

## NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Diana Hynek 06/06/2003  
Departmental Paperwork Clearance Officer  
Office of the Chief Information Officer  
14th and Constitution Ave. NW.  
Room 6625  
Washington, DC 20230

In accordance with the Paperwork Reduction Act, OMB has taken the following action on your request for approval of the reinstatement of an information collection received on 04/01/2003.

TITLE: Large Pelagic Fishing Survey

AGENCY FORM NUMBER(S): None

ACTION : APPROVED WITHOUT CHANGE

OMB NO.: 0648-0380

EXPIRATION DATE: 06/30/2006

BURDEN:	RESPONSES	HOURS	COSTS(\$,000)
Previous	0	0	0
New	67,400	5,218	0
Difference	67,400	5,218	0
Program Change		5,218	0
Adjustment		0	0

TERMS OF CLEARANCE: None

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OMB Authorizing Official Title

Donald R. Arbuckle Deputy Administrator, Office of  
Information and Regulatory Affairs

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# PAPERWORK REDUCTION ACT SUBMISSION

**Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the supporting statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.**

1. Agency/Subagency originating request	2. OMB control number <span style="float: right;">b. <input type="checkbox"/> None</span> a. _____ - _____
3. Type of information collection ( <i>check one</i> ) a. <input type="checkbox"/> New Collection b. <input type="checkbox"/> Revision of a currently approved collection c. <input type="checkbox"/> Extension of a currently approved collection d. <input type="checkbox"/> Reinstatement, without change, of a previously approved collection for which approval has expired e. <input type="checkbox"/> Reinstatement, with change, of a previously approved collection for which approval has expired f. <input type="checkbox"/> Existing collection in use without an OMB control number For b-f, note Item A2 of Supporting Statement instructions	4. Type of review requested ( <i>check one</i> ) a. <input type="checkbox"/> Regular submission b. <input type="checkbox"/> Emergency - Approval requested by ____ / ____ / ____ c. <input type="checkbox"/> Delegated
	5. Small entities Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> Yes <input type="checkbox"/> No
	6. Requested expiration date a. <input type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other Specify: ____ / ____
7. Title	
8. Agency form number(s) ( <i>if applicable</i> )	
9. Keywords	
10. Abstract	
11. Affected public ( <i>Mark primary with "P" and all others that apply with "x"</i> ) a. <input type="checkbox"/> Individuals or households d. <input type="checkbox"/> Farms b. <input type="checkbox"/> Business or other for-profit e. <input type="checkbox"/> Federal Government c. <input type="checkbox"/> Not-for-profit institutions f. <input type="checkbox"/> State, Local or Tribal Government	12. Obligation to respond ( <i>check one</i> ) a. <input type="checkbox"/> Voluntary b. <input type="checkbox"/> Required to obtain or retain benefits c. <input type="checkbox"/> Mandatory
13. Annual recordkeeping and reporting burden a. Number of respondents _____ b. Total annual responses _____ 1. Percentage of these responses collected electronically _____ % c. Total annual hours requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____	14. Annual reporting and recordkeeping cost burden ( <i>in thousands of dollars</i> ) a. Total annualized capital/startup costs _____ b. Total annual costs (O&M) _____ c. Total annualized cost requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____
15. Purpose of information collection ( <i>Mark primary with "P" and all others that apply with "X"</i> ) a. <input type="checkbox"/> Application for benefits e. <input type="checkbox"/> Program planning or management b. <input type="checkbox"/> Program evaluation f. <input type="checkbox"/> Research c. <input type="checkbox"/> General purpose statistics g. <input type="checkbox"/> Regulatory or compliance d. <input type="checkbox"/> Audit	16. Frequency of recordkeeping or reporting ( <i>check all that apply</i> ) a. <input type="checkbox"/> Recordkeeping b. <input type="checkbox"/> Third party disclosure c. <input type="checkbox"/> Reporting 1. <input type="checkbox"/> On occasion 2. <input type="checkbox"/> Weekly 3. <input type="checkbox"/> Monthly 4. <input type="checkbox"/> Quarterly 5. <input type="checkbox"/> Semi-annually 6. <input type="checkbox"/> Annually 7. <input type="checkbox"/> Biennially 8. <input type="checkbox"/> Other (describe) _____
17. Statistical methods Does this information collection employ statistical methods <input type="checkbox"/> Yes <input type="checkbox"/> No	18. Agency Contact (person who can best answer questions regarding the content of this submission)  Name: _____ Phone: _____

## 19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal Agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9

**NOTE:** The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It used plain, coherent, and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention period for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):
  - (i) Why the information is being collected;
  - (ii) Use of information;
  - (iii) Burden estimate;
  - (iv) Nature of response (voluntary, required for a benefit, mandatory);
  - (v) Nature and extent of confidentiality; and
  - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of instructions);
- (i) It uses effective and efficient statistical survey methodology; and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of the provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee

Date

Agency Certification (signature of Assistant Administrator, Deputy Assistant Administrator, Line Office Chief Information Officer, head of MB staff for L.O.s, or of the Director of a Program or StaffOffice)	
Signature	Date
Signature of NOAA Clearance Officer	
Signature	Date

**SUPPORTING STATEMENT  
LARGE PELAGICS FISHING SURVEY  
OMB CONTROL NO. 0648-0380**

**A. JUSTIFICATION**

**1. Explain the circumstances that make the collection of information necessary.**

Collection of information regarding fishing for large pelagic species (tunas, billfishes, swordfish, and sharks) is necessary to fulfill statutory requirements of the Atlantic Tunas Convention Act (16 U.S.C. 971 et seq.; attached) and the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.; see attached), and to meet administrative requirements of the NMFS Marine Recreational Fishery Policy implemented to comply with Executive Order 12962 on Recreational Fisheries (attached).

The Atlantic Tunas Convention Act at 16 U.S.C. 971d(c)(3)(I) provides the Secretary of Commerce the authority to “require any commercial or recreational fisherman to obtain a permit from the Secretary and report the quantity of catch of a regulated species” (attached, relevant sections). Section 303(a) of the Magnuson-Stevens Act specifies data and analyses to be included in Fishery Management Plans (FMPs), as well as pertinent data which shall be submitted to the Secretary of Commerce under the plan. Recommendation One of the NMFS Marine Recreational Fishery (MRF) Policy focuses on developing “a comprehensive data acquisition and analysis system (participation, catch, effort and socio-economic data) on a regular, continuing basis” in support of the Executive Order 12962 requirement to assess the implementation and evaluate achievements of the “Recreational Fishery Resources Conservation Plan.”

In the past, it was thought that commercial fisheries took the greater part of the fishery catch in the marine waters of the United States. However most species of fish in estuaries and inshore areas, as well as in many open waters, are harvested by both commercial and recreational fishermen. More recent data indicate that catches by the marine recreational fishery are a significant portion of the total landings of many marine species, including large pelagic fishes such as tunas, sharks, billfish and swordfish. Therefore, it is essential to monitor both the commercial and recreational components of the fishery on a continuing basis.

The Large Pelagics Fishing Survey (LPS) makes up the core of the Agency's recreational fishery data collection efforts for large pelagics. The LPS was previously included as a contract option under the Marine Recreational Fishing Statistics Survey (MRFSS), a more general survey of saltwater anglers undertaken by NMFS. As such, the LPS was approved by OMB under the MRFSS collection (0648-0052). For administrative and contractual reasons, the LPS was not included in the MRFSS procurement for the 1999-2001 period of performance. Instead, NMFS decided that a separate procurement for the LPS would be beneficial. As such, the MRFSS approval under 0648-0052 was renewed in October 1998 without the burden elements of the

LPS. Those LPS burden elements were approved under 0648-0380. This action seeks to renew that approval.

Response to these survey components is mandatory under the authority of the Atlantic Tunas Convention Act. Implementing regulations at 50 CFR part 635 (attached) require that operators of vessels issued permits for Atlantic highly migratory species (HMS) or who retain HMS respond to surveys on fishing effort and catch. Prior to the start of the fishing season, NMFS conducts a “pre-contact” mail-out to permit holders indicating the nature and scope of the survey and the need for scientific data collection for HMS, explaining the various components of the survey, and notifying potential respondents that the survey is mandatory.

The LPS was designed to estimate the elements of the generalized catch equation. That is, the estimated total trips are multiplied by the estimated average catch per trip to determine total catch. Due to the migratory nature of large pelagic fishes, the LPS design considers geographic and seasonal variation in fish distribution and the differences in effort and catch characteristics of the fishing fleet. Given this variation and the data requirements for estimating the components of the generalized catch equation, the survey incorporates a multi-frame, stratified random sampling design. Specifically, the LPS consists of two complementary surveys: a directory frame telephone survey of tuna and/or HMS permit holders to obtain fishing effort information, and a dockside survey which collects catch information and also estimates the proportion of vessels fishing for large pelagics that are not on the telephone frame (non-permitted vessels and vessels fishing out of state). While catch information could be (and has been) taken over the phone, it is necessary to have the dockside survey to assess effort by non-permitted vessels, gather detailed information on catch (accurate species identification and length-weight measurements), and collect biological materials. Certain ancillary collections (e.g., socio-economic data) can be appended to either dockside or telephone interviews.

This request includes all of the several data collection components for the LPS. Implementation of certain components will depend on fiscal year funding. The proposed annual reporting burden for contract years 2003, 2004 and 2005 anticipates full funding for all components listed below.

### **Large Pelagics Telephone Survey**

The telephone survey collects data to determine on a weekly basis the average number of large pelagic fishing trips per active boat in the recreational large pelagics fishing fleet. The survey is conducted weekly by interviewing a random sample of charter boat captains and private boat owners who have obtained permits that allow them to fish for large pelagic fishes. Therefore, the telephone survey is restricted to individuals who have professed to be likely participants in the fishery.

NMFS conducts a “pre-contact” telephone screening prior to the start of the fishing season to edit the telephone sampling frame (verify boat ownership, eliminate duplicate entries, correct spelling of captain/boat names, etc.), to schedule best person/time to call for information on the boat’s fishing activity, and to explain aspects of the dockside and telephone surveys. The “pre-

contact” screening requires about 2 minutes per entry on the permit frame. In cases of multiple boat ownership (estimated at 10% of vessels on permit list), information on several vessels can be obtained with one call.

Response to the telephone survey is mandatory and is a condition of permit issuance. The telephone survey questionnaire is attached.

Certain identifying data elements are obtained from a fishing permit database and can be pre-coded by the telephone interviewer for each potential respondent prior to dialing. The screening introduction questions are asked in order to establish contact with the primary respondent and confirm that he/she is a captain or owner of a vessel that fishes for large pelagic fishes. If the primary respondent no longer owns or operates the permitted vessel, then questions are asked to determine the new owner/operator of the vessel. If the primary respondent is not likely to be available for an interview, then either an appropriate proxy (or secondary respondent) is identified for an immediate interview or the call is terminated.

Once contact with the primary or secondary respondent is established, questions are asked to confirm respondent and permitted vessel identification, to ask for a preferred interview time, to identify and obtain telephone numbers of other operators of the vessel, and to determine whether the respondent can accurately respond to questions about all of the vessel's large pelagics fishery activity during the prior week. In addition, the respondent is required to identify whether the vessel is ever used as a charter or headboat or is strictly used for private recreational fishing. Classification of vessels is necessary because effort and catch rates are likely to differ among these boat categories and sampling and subsequent estimations of effort and catch are conducted independently for each boat category.

Each qualified operator of a permitted vessel is required to provide information on the fishing trips directed at large pelagic species during the prior week including trips outside of the state where the vessel is normally docked or within the home port state. Respondents must provide the total number of fishing trips, as well as the date, time of day and species target of each trip. In addition, for each instate trip the respondent must provide the type of access site used, the name of the site, whether the trip was associated with a tournament, and the fishing gears used. This information is needed to help describe the type of fishing activity which occurred.

For each trip using rod and reel or handline, the respondent must provide the number of fishing lines used and the time spent with lines in the water. For each trip using other gear, the respondent must provide the time spent searching for fish. This information is needed to accurately describe the amount of fishing effort by gear type in hours. For each use of a particular gear type, the respondent must identify the types of bait and fishing methods used. Finally, for each trip the respondent must provide the number of people who actually fished for large pelagics, as well as the identity and location of the fishing grounds where they fished. The prior information is needed to allow estimation of effort in terms of individual angler trips, and the latter is needed to allow post-stratification of effort by fishing area.

While many telephone calls do not result in complete interviews (e.g., vessel owner not home) and many calls are of short duration (vessel not used for large pelagics trips in prior week), some lengthy calls are required when collecting information from captains who took several trips in the preceding week. Given this mix of potential responses (2 minutes for no trips to 15 minutes for multiple trips with catch), the response burden for the average telephone interview is estimated at 8 minutes.

Despite several attempts, telephoning a permit holder will not always result in a contact. In such cases, NMFS may randomly select vessels for a mail survey that contains a printed version of the telephone questionnaire. Permit holders would be required to mail or fax the form, or call a specified number to make the report. Average response time for the printed survey is also estimated at 8 minutes, actual time being dependent on activity and catch.

### **Large Pelagics Dockside Intercept Survey**

The dockside intercept survey collects data needed to determine the average weekly catches per charter and private boat trips of bluefin tuna (BFT) by market category and of other large pelagic fishes by species or species group. The survey is conducted continuously over the course of the fishing season by intercepting and interviewing charter boat captains and private boat owners who have just finished a trip fishing for large pelagic fishes. Individuals interviewed would be selected at random during four-hour field assignments distributed randomly across fishing access sites and days, where fishing sites would be weighted by expected numbers of active fishing vessels. Response is mandatory for persons holding fishing permits and for persons landing regulated species. The questionnaire (see attachment) is designed to obtain information on the fishing methods, locations and catches of major large pelagic species.

The intercept survey interview begins by ascertaining whether a potential respondent is indeed the owner or operator of a vessel that has just finished fishing for large pelagic species. Data elements are determined by the date and site assigned to an interviewer prior to interviewing. The status of an attempted interview (refusal vs. cooperation) is recorded as data element and information about refusals is made available to enforcement. Once an eligible owner or operator has been identified, he/she is required to provide the name, permit number, Coast Guard number and State registration number of the vessel used on the fishing trip. The respondent must then identify the boat's classification for LPS sampling and the time of its return to port. In addition, the respondent is asked questions to determine the target species for the trip, whether the vessel participated in a fishing tournament, the gear types used, the effort associated with each gear type, and the baits and methods associated with each gear type. The respondent must also indicate the number of people who fished for large pelagic species during the trip and must identify the name and location of the fishing grounds, the distance from shore, the depth and the surface water temperature where fishing occurred.

The interview concludes with questions pertaining to identification, enumeration and measurement of the fishes caught by gear type. The respondent must indicate the numbers of each species caught by a given gear type that were kept, released alive, and released dead. The

interviewer requests permission to measure available fish and proceeds to obtain length measurements on individual fish of each available species in the catch. The catch information is critical to determination of the average catches by species per boat trip from the intercept survey sample. Collection of the catch information by gear type allows for possible post-stratification of the catches by gear category.

While many dockside intercepts are of short duration (no catch of large pelagics during trip), some longer interviews are required when collecting information from captains who caught and/or released many large pelagic fish during a successful trip. Given this mix of potential responses (2 minutes for no catch to 15 minutes for trips with catch available to measure), the response burden for the average dockside intercept is estimated at 5 minutes.

Evaluation of field interviewer performance will be accomplished by a telephone follow-up to validate 10 percent of intercepts. Validation calls only require the respondent to verify that the intercept took place at the time and site recorded by the field interviewer and are estimated to take 1.5 minutes.

### **Anticipated Additional Data Collections**

During the period covered by this submission, NMFS anticipates the need for additional data collection efforts. These efforts may not be implemented in any given year due to funding restrictions. However, the justifications for these efforts are being submitted as part of this request. Coordination of the various components of additional data collection with the basic LPS and the MRFSS is necessary to prevent excessive burden due to including the same or similar questions in independent surveys. Good design of the surveys will allow results from one survey to be merged with the results from the other surveys based on well-defined identification codes.

The additional survey components include collection of socio-economic data during dockside and telephone intercepts, a specialized biological sampling program, a separate survey of headboats taking targeted large pelagics trips, and a winter dockside survey in the state of NC. The increased burdens caused by these ancillary data collections must be considered in comparison to the potential burdens that would be caused by independent efforts to collect the same information.

### ***Socio-economic Survey***

NMFS is required to gather information from recreational anglers on catch, participation and effort along with selected demographic and economic characteristics. These data are used in the development of fishery management plans. Also, economic data on marine recreational fisheries are needed to resolve conflicts between commercial and recreational fishing constituents resulting from competition for limited fishery resources. Fishery managers are required by law to report the consequences of their decisions concerning harvest allocations between the commercial and recreational fisheries. Further, fishery managers need to evaluate the economic

claims of constituents. However, relatively little economic information about recreational fisheries is available to managers. This study will help fill the data and research gap in our knowledge of marine recreational fishing for large pelagics.

In some instances, the socio-economic survey will be administered as a separate instrument via telephone calls or mailings to selected respondents. Clients of charter boats will be asked if they are willing to participate in a telephone interview or mail survey specifically targeting the fee-paying angler. Respondents for this survey will be recruited by having charter captains pass out information cards to clients.

NMFS has also changed the information collection requirements for the HMS Vessel Logbook (0648-0371) such that the economic portion of the Trip Summary Form is mandatory for those selected vessels. If selected, owners/operators of vessels with Atlantic tunas or Atlantic HMS permits must maintain and submit a trip expense and earnings report within 30 days of completing the fishing trip. The information being collected on the cost-earnings form is very similar to the information being collected by the socio-economic survey. Some owners/operators of Atlantic tunas or Atlantic HMS permitted vessels selected for logbook coverage may also participate in the socio-economic survey. Submission of the cost-earnings form by selected vessels must be reported through the HMS Vessel Logbook program approved under 0648-0371, thus there would be some duplication. The level of duplication will be minimized to the extent that vessels are reporting via other means and the socio-economic information is collected, vessels owners/operators will be relieved of the duplicative requirements.

For most respondents, however, reliance on an independent survey effort to obtain such data would lead to duplication of certain data elements and a much greater total burden. Information on fishing costs and fishing preferences can be obtained with a minimal increase in burden on the public by expanding the LPS dockside and telephone interviews with a few follow-on questions. The socio-economic questionnaire (attached) is provided to show examples of the types of questions which would be added to the base intercept and/or telephone surveys.

For the follow-on dockside survey, a series of questions will be added to the base intercept survey questionnaire to obtain economic data on trip duration, travel costs, distance traveled and on-site expenditures associated with the intercepted large pelagics fishing trip. These data will be used to develop angler or trip profiles and in the development of statistical behavioral models to estimate saltwater fishing values. The intercept survey economic questions will only be asked of private boat captains who complete all key data items preceding the catch inspection questions. The respondent is asked a series of questions to determine the duration of travel from his/her residence, the costs of lodging and travel to the site of lodging, whether travel to lodging was solely for the purpose of fishing and the costs of travel to the site of fishing. This data is needed to determine the relative economic value of the fishing experience to the angler.

The follow-up economic questionnaire will also be administered by telephone to obtain additional information from anglers who responded to the intercept survey but did not complete the socio-economic add-on. The telephone follow-up questionnaire is designed to obtain socio-

economic information from two distinct groups of anglers; (1) anglers whose fishing target was one of the selected species of interest, and (2) anglers who targeted other species but happened to catch at least one of the selected species. The telephone interviews solicit economic data and information about recreational fishing avidity, attitudes, and experience. These data will be used to develop angler profiles and to estimate statistical models of the decision to target a selected species.

Apart from the follow-up telephone survey for dockside intercepts, another series of questions will be added to the base LPS telephone survey to obtain information on household resident preferences for large pelagics recreational fishing and constraints on their ability to go fishing. The data will be used to develop models of large pelagics recreational fishing participation since estimation of demand is contingent on the decision to participate. The add-on telephone survey questionnaire is designed to identify each respondent's participation rate and to determine the respondent's ethnic background, age, gender, education level, employment status and annual income. This data is needed to allow analyses of the potential influences of these parameters on participation in recreational fishing.

In addition, respondents who indicate that they recently went fishing for large pelagics are asked questions to obtain information on their fishing targets, their overall fishing avidity, and their avidity for selected important species. Such information can be used in combination with the data collected in the base LPS telephone interview to determine estimates of total and proportional effort directed at different selected species. Such estimates can also be used as indicators of fishing preferences to analyze potential relationships between fishing preferences and other parameters such as overall avidity, boat ownership, and fishing mode.

Based on data collected from the socio-economic surveys, species-specific demand models (travel cost models and random utility models) will be developed to answer questions about the economic values or costs of two common types of regulations imposed on anglers: (1) regulations on participation and access and (2) regulations on catch (e.g., daily limits, catch and release, minimum size). State-of-the-art recreational demand models will be estimated as being contingent on either the choice to go marine recreational fishing or the choice of target species. This study will not estimate multiplier effects for regional income or employment and therefore will not generate economic impact statistics beyond those of the large pelagics species fishery. Although some of the data could be used by others for this purpose, particularly data on anglers expenditures, credible regional economic impact analysis requires an entirely different survey methodology. The focus of this large-scale data collection and research project will be on the economic valuation of marine recreational fishing for large pelagics and the value of improved catches by anglers.

The estimated response times for the socio-economic survey components are as follows: 3 minutes for the dockside add-on; 15 minutes for the survey of charter boat clients or the telephone follow-up to dockside respondents; 3 minutes for the telephone add-on. The specific questions for each component are indicated in the attached survey instruments.

### ***Biological Sampling***

Supplemental sampling may be conducted for the purpose of collecting tissue samples of BFT and other large pelagic fishes, as well as supplemental length and weight information needed to provide in-season estimates of the average sizes for all large pelagic species for each week and state. Data collection for this survey will be unique not only in the amount of data obtained but also in the number of species encountered on an assignment.

Biosampling consists of intercepting captains/mates/owners at weighing or cleaning stations who have just finished fishing trips for large pelagic fishes and obtaining and recording lengths and weights by species, obtaining otoliths, caudal vertebrae, and hearts (or skeletal muscle) from a random sub-sample of the large pelagics that were weighed and measured, recording additional information such as date, site and vessel name, vessel type, and if possible, gender of each fish, recording additional information as required to label each specimen for unique identification and to prepare/preserve such samples for shipment as required by the sampling protocols to be supplied by NMFS or recipient laboratories.

Most of the information collected during a biological sampling assignment is obtained directly from the fish rather than the fisherman, thus the reporting burden for respondents is extremely small. Other than requesting permission to sample the fish, the only questions asked of fishermen are relative to fishing location, fishing gear, tournament participation and condition of the fish at time of capture (see attached). It is estimated that total response time (respondent burden) for a biological intercept is 1 minute.

### ***Headboat Survey***

Headboats (also know as party boats) are vessels that take anglers fishing for a relatively modest fee paid on an individual basis and tend to be licensed by the U.S. Coast Guard to carry more than six passengers. This differs from the pre-arranged groups of six or fewer anglers that tend to make up charter boat clientele and who typically pay as a group for a full or half-day charter. Headboats normally take trips targeted at certain species (e.g., flounder, bluefish, striped bass) during the appropriate fishing season and generally take short (6-10 hr) trips. There is a small component of the Atlantic headboat fleet that, among other more usual trips, seasonally schedules trips targeted at large pelagics (e.g., bluefin, yellowfin, bigeye tunas). Some of these trips last overnight due to the distances to the offshore canyon fishing areas. These large pelagics trips are normally scheduled well in advance of sailing dates to allow time for marketing the trip and registering enough anglers to make the trip profitable.

A party/headboat survey is conducted for the purpose of collecting data needed to determine, on a weekly basis, the total catch by headboats of BFT by market category and of other large pelagic fishes by species. It is necessary to survey this component of the fleet separately because, due to the number of anglers (10-40 per vessel), the focused fishing grounds (e.g., Hudson Canyon) and the short season for large pelagics (usually August/September), the effort and catch rates differ markedly from those of charter vessels (usually 6 anglers or less). Given

the small size of the large pelagics headboat fleet (potential fleet of no more than 50 boats participating in season), it should be possible to census this component of the fishery each year.

Before the start of the headboat season (August/September), a list will be established of all headboats which might fish for large pelagic fishes each year based on the most recent LPS list of headboats, the most recent NMFS HMS Charter/Headboat permit list and any current year telephone sampling contacts. Based on review of dockside intercepts and telephone contacts, revisions to the list may be provided throughout the season.

NMFS will call each vessel owner before the start of the fishing season and request the planned schedule of large pelagics headboat trips. A contact person will be identified for each boat and the time(s) and phone number(s) at which to reach that person will be established for collection of information on trips scheduled and those actually taken. An anticipated schedule of trips and anticipated length of each fishing trip (single day, ½ day, multi-day) will be developed for each boat in a given month. Schedules may change due to weather, fishing regulations (changes in catch limits or fishery closures), or an insufficient number of anglers to warrant the high operating costs of the offshore trip.

According to the sailing schedules indicated by headboat operators, the appropriate person will be contacted to obtain the information for each completed trip and, if appropriate, any information on changes in schedules for the month. Interviewing procedures for the party/head boat survey are similar to those used in the telephone survey on fishing effort.

The information obtained from each eligible captain/owner or crew member interviewed by telephone includes:

- a. The numbers and dates of large pelagic fishing trips taken during the previous week (including those that were observed during on-board assignments described below);
- b. The date, day, access site, inlet, fishing location, and target category for each trip; and
- c. The number of anglers on board and the number of lines in the water during each trip.

The time per response for telephone interviews of headboat captains is estimated at 8 minutes.

In addition to the telephone contacts for a census of effort, up to two trips per vessel will be selected for placement of an on-board observer to collect information on catch. The average catch information will be combined with the fishing effort data for each vessel to estimate total catch and total landings.

It is more efficient to conduct the interviews directly with anglers and while fishing activity is underway due to the relatively larger number of anglers aboard headboats. To attempt to sample catch and interview anglers at the dock would be too lengthy and could delay anglers anxious to be on their way after a long fishing trip. A questionnaire and a data collection form is used by the on-board observer for interviewing and sampling of party/head boat catches (attached). The

form is not distributed to anglers but used by the observer and is a modification of the questionnaire used for the dockside intercept survey described above. The information to be noted by the observer during on-board assignments includes:

- a. The date, day, access site, inlet, fishing location, and target category for the intercepted trip;
- b. The number of anglers on board and the number of lines in the water during the intercepted trip.

The information to be obtained from each angler interviewed during on-board assignments includes the number of fish kept and released by BFT market category, by species, or by species group on the intercepted trip.

The time per response for on-board angler interviews is estimated at 8 minutes.

Additional information collected during on-board headboat assignments includes fish lengths and fish sample information similar to that obtained during dockside intercepts and biological sampling assignments. However, this supplemental information is collected directly from examinations of the fish, thus there is no additional respondent burden.

### ***North Carolina Winter BFT Tuna Dockside Survey***

As the waters off of the U.S. east coast cool down during the winter, the BFT migrate southward and over-winter in the waters off North Carolina (NC). The charter and private boats operating from NC during that period catch significant numbers of BFT. The primary purpose of the NC Winter BFT Dockside Survey is to collect catch data needed to generate weekly estimates of the recreational fishing effort directed at large pelagic species and the recreational catch of BFT and other large pelagics. The time period covered here is from January 1 through May 2.

In the NC Winter BFT Dockside Survey boat captains and operators returning from large pelagic fishing trips were interviewed. From these interviews the catch per unit effort is determined.

The information obtained from each boat captain includes:

- a. Total BFT landed
- b. Total BFT released
- c. Handling time
- d. Method of fishing
- e. Hook type
- f. Fishing location
- g. Number of vessels
- h. Tag fish (whether or not a landing tag was affixed and card completed)
- i. Any tag (denotes any other tag present)
- j. Whether they hold a BFT or HMS permit
- k. Stat fish (state that respondents most often fish for BFT)

## I. Permit number

The time per response for the NC Winter BFT Dockside interviews are estimated at 2 minutes when there is no catch and 10 minutes when there is catch, therefore the average time per response is 6 minutes.

Additional information collected during assignments includes fish lengths and fish weights similar to that obtained during the Large Pelagic Dockside intercepts.

## **2. Explain how, by whom, how frequently, and for what purpose the information will be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with applicable Information Quality Guidelines.**

The data are used by NMFS, regional fishery management councils, interstate marine fisheries commissions, and state fishery agencies in developing, implementing and monitoring fishery management programs. Failure to conduct these data collections would prevent the Secretary from meeting statutory requirements of the Magnuson-Stevens Act. In addition, NMFS would be unable to implement Recommendation One of its Marine Recreational Fisheries (MRF) Policy with a resulting loss in service and credibility to the MRF constituency. Catch and effort statistics are fundamental for assessing the influence of fishing on any stock of fish. The quantities taken, the fishing effort, and both the seasonal and geographic distributions of the catch and effort are required for the development of regional management policies and plans. Accurate and timely catch statistics collected over the range of a species must be used in association with biological studies to perform the stock assessments necessary for monitoring the effectiveness of fishery management planning for optimum yield. Several large pelagic species are now being managed under FMP quota or landings limit systems which include recreational fishery components. For example, this collection has been the key source of data used to monitor recreational quotas for the harvest of BFT in the Mid-Atlantic and southern New England regions.

This collection, if funding allows full implementation, would provide coastwide information on quantity, species composition, and size distribution of catch. Such information is not available from any other source. For example, catch distributions and harvested size distributions obtained in this data collection have formed the basis of the FMP developed for tunas, swordfish and sharks of the Atlantic Ocean.

It is anticipated that the information collected will be disseminated to the public or used to support publicly disseminated information. As explained in the preceding paragraphs, the information gathered has utility. NOAA Fisheries will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. See response #10 of this Supporting Statement for more information on confidentiality and privacy. The information collection is designed to yield data that meet all applicable information quality guidelines. Prior

to dissemination, the information will be subjected to quality control measures and a pre-dissemination review pursuant to Section 515 of Public Law 106-554.

**3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques of other forms of information technology.**

A computer assisted telephone interview system is used to minimize interview time and ensure accurate recording of responses. The methodological approach for the LPS has been developed and refined over numerous years (a 1996 Report on Catch Estimation Procedures is available on request), employing the experience of NMFS statisticians and contractors in statistical sampling and survey methods. State-of-the-art interviewing methods have been used to minimize response times. None of the surveys included in this submission can be submitted via the Worldwide Web. Most of the proposed data collections require interviewer-mediated reporting of data by respondents in order to minimize non-response and maximize accuracy of the statistics estimated from the data.

**4. Describe efforts to identify duplication.**

NMFS has the lead Federal responsibility for collection of data from marine recreational fishermen and coordinates informational needs with other agencies. NMFS has also worked with State fishery agencies each year to coordinate data collection efforts and avoid duplication. In some cases, NMFS employs State personnel under contract to conduct field interviewing.

A specialized data collection such as the LPS overlaps to a minor extent with NMFS' more comprehensive Marine Recreational Fishing Statistics Survey (MRFSS) and its related data collections. Such overlap is minimal because the MRFSS is designed to cover marine recreational fishing for all finfish species, including many sites on inland bays and estuaries. Because large pelagic species typically occur further offshore, requiring larger vessels and specialized gear, the participants tend to use specific ports located at points of ocean access. Contacts with anglers who fished for large pelagic species are relatively rare in the MRFSS samples and very few respondents would be contacted by both the LPS and the MRFSS. However, anglers who fish for large pelagic species, but also fish for other species, are not excluded from the MRFSS sampling because representative sampling of their fishing trips in relation to other marine recreational angler fishing trips is necessary to avoid biasing catch estimates for any given species.

NMFS also requires anglers to report their landings of Atlantic BFT directly via toll-free number, via the internet, or via landings cards in the states of North Carolina and Maryland for the purpose of real-time quota monitoring. Although that data collection overlaps to a minor extent with the LPS (i.e., only trips landing BFT are affected), it does not collect information on the other finfish species caught on BFT fishing trips. That specialized data collection places a priority on obtaining up-to-date catch information on only one species. On the other hand, the LPS is designed to obtain accurate marine recreational fishery catch information for all large

pelagic species. In addition, to the extent overlap occurs (i.e., a person directly reporting BFT also is selected for a dockside or telephone interview), the information is useful to assess compliance with the direct reporting requirement.

NMFS has also changed the information collection requirements for the HMS Vessel Logbook (0648-0371) such that the economic portion of the Trip Summary Form is mandatory for those selected vessels. If selected, owners/operators of vessels with Atlantic tunas or Atlantic HMS permits must maintain and submit a trip expense and earnings report within 30 days of completing the fishing trip. The information being collected on the cost-earnings form is very similar to the information being collected by the socio-economic survey. Some owners/operators of Atlantic tunas or Atlantic HMS permitted vessels selected for logbook coverage may also be selected to participate in the socio-economic survey of this information collection. Submission of the coast-earnings form by selected vessels must be reported through the HMS Vessel Logbook program approved under 0648-0371, thus there would be some duplication. NMFS will minimize, to the extent practicable, the level of duplication associated with this information collection and 0648-0371.

**5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.**

Charter and headboat businesses are frequent respondents due to the high level of fishing effort relative to private recreational vessels. The survey instrument has been restricted in length to minimize response time per interview, and randomized sampling will distribute both telephone and intercept reporting burdens among individual charter or headboat operators. State-of-the-art interviewing methods, including a computer assisted telephone interview system, will also be used to minimize response times.

**6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.**

An annual survey of recreational anglers is required to monitor changing conditions in the fishery and support modifications in fishery regulations for each fishing year. A continuous time series of data is scientifically essential. Start up costs in hiring and training of interviewers and in overhauling the site selection frame for biannual surveys would greatly exceed the budgeted amount for the LPS and reduce funds available to collect sufficient interviews to meet statistical objectives.

**7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.**

Collection is consistent with 5 CFR 1320.6, except that some respondents will be reporting on a weekly or monthly basis (e.g., charter/headboats and selected boat captains from the permit list). Given the restrictive landings quotas on certain large pelagic species, weekly calls are needed to provide landing estimates on a weekly basis. Due to the large number of vessels potentially

active in the fisheries, there is a risk of overharvest and/or inequitable distribution of the available quota if NMFS does not make catch limit adjustments and/or closure decisions based on weekly estimates. For most respondents, the random nature of dockside intercepts and telephone calls would result in less frequent reporting.

**8. Provide a copy of the PRA Federal Register notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.**

A Federal Register Notice (copy attached) solicited public comment on this collection. No comments were received.

**9. Explain any decisions to provide payments of gifts to respondents, other than remuneration of contractors of grantees.**

No payments nor gifts will be provided to respondents.

**10. Describe any assurance of confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.**

Some responses or portions of responses are protected by the Privacy Act. Collection, handling and disposition of data are consistent with NAO 216-100: Confidential Fisheries Statistics. It is Agency policy not to release confidential data, other than in aggregate form, as the Magnuson-Stevens Act protects (in perpetuity) the confidentiality of those submitting data. Whenever data are requested, the Agency ensures that information identifying the activities of a particular vessel is not identified.

**11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.**

No questions of a sensitive nature are requested in this collection of information.

**12. Provide an estimate in hours of the burden of the collection of information.**

The total annual burden for the LPS is estimated at 4,965 hours for an estimated 67,400 responses by 22,500 respondents (accounting for overlap in respondents). Calculations for specific components are as follows:

#### (a) Telephone Survey

The pre-contact screener of permit holders would involve 22,500 responses (estimated 10 percent rate of ownership of multiple vessels among 25,000 permit holders). At 2 minutes per telephone call, the screener would amount to 750 hours annually.

On an annual basis, 15,000 random interviews will be requested of tuna and/or HMS permittees. Given the number of tuna and /or HMS permits issued, there will be about 25,000 potential respondents, though due to the random selection process some will be contacted more than once and some not at all. Because calls are made on a weekly basis to collect information about a single week's fishing activity, it is important that a representative sample be obtained. This requires that prior respondents be eligible for resampling in future weeks. Sampling without replacement of prior contacts would likely result in a biased sample in later weeks and might preclude attainment of minimum sample size as the list of contacted individuals accumulates.

At an estimated average of 8 minutes per interview, the annual telephone survey burden would be 2000 hours for 15,000 interviews.

#### (b) Dockside Intercepts

At full funding, a total of 4,000 dockside assignments will be ordered annually at LPS sites. On certain days and at certain sites, several intercepts will be obtained during a 4 hour assignment. On other days (e.g., bad weather days late in the season), few or no intercepts will be obtained. It is assumed that interviewers will obtain on average 5 intercepts per 4 hour assignment for a total of 20,000 intercepts annually. The response burden would average 5 minutes per intercept or a total of 1667 hours. In addition, field interviewer performance would be evaluated by validating 10 percent of dockside intercepts via a follow-up telephone call. The 2,000 calls (1.5 minutes each) would add 50 hours to the annual burden estimate. Total burden for the dockside survey would be 1717 hours annually.

#### (c) Socio-economic Survey

It is assumed that 10 percent of telephone interview respondents will complete the socio-economic questionnaire as an add-on. At 3 minutes per occurrence, the estimated burden for 1,500 telephone interviews would be 75 hours.

It is also assumed that 10 percent of dockside intercept respondents will undertake the socio-economic add-on. At 3 minutes per occurrence, the estimated burden for 2,000 dockside interviews would be 100 hours.

In addition to the add-on interviews, a target quota of 1,500 charter/headboat clients would be set as a telephone follow-up to dockside intercepts with vessel captains (client volunteers would be sought during intercepts). Given the need to gather background information on the respondents that would not be available from the initial contact (i.e., the add-on interview), it is estimated

that the follow-up socio-economic intercepts would take 15 minutes each. For 1,500 interviews, the estimated annual burden would be 375 hours.

The total annual burden for the socio-economic survey, including the dockside and telephone add-ons and telephone follow-ups, is estimated at 550 hours.

#### (d) Biological Sampling

Supplemental biological sampling assignments are estimated at 1 minute per intercept because few questions are asked of anglers and data/samples are obtained directly from the fish. At a sampling level of 250 assignments per year, with an average of 5 intercepts per assignment, the total annual burden for the supplemental biological sampling is estimated at 21 hours.

#### (e) Headboat Survey

The headboat survey involves telephone interviews about effort and catch for those trips targeting large pelagic fish. There will be one call for advance scheduling information and one call after each trip for reports on number of anglers, hours fished, and catch. At an estimated 8 minutes per telephone interview, an average of 5 calls over the course of the season (1 advance and 4 post-trip), and 50 vessels, the annual headboat telephone survey burden is estimated at 33.5 hours. Each headboat contacted by telephone will have a ride-on interviewer for two scheduled trips. Captain interviews for ride-on sampling are estimated at 8 minutes each trip. For 50 vessels (100 trips) the annual burden for ride-on interviews is estimated at 13.5 hours. The total burden (telephone and ride-on interviews) for the headboat survey is estimated at 47 hours per year.

#### (f) NC Winter BFT Dockside Survey

A total of 1300 respondents are expected to participate in the NC Winter BFT Dockside Survey. On certain days and at certain sites, several intercepts will be obtained during an assignment. On other days (e.g., bad weather days late in the season), few or no intercepts will be obtained. It is assumed that interviewers will obtain on average 5 intercepts per assignment for a total of 1300 intercepts. The response burden would average 6 minutes (based on 2 to 10 minutes) per interview or a total of 130 hours.

### **13. Provide an estimate of the total annual cost burden to the respondents of record keepers resulting from the collection.**

These data collections will incur no cost burden on respondents beyond the costs of response time.

**14. Provide estimates of annualized cost to the Federal government.**

At a fully funded level, the average annual cost to the Federal government is approximately \$900,000 divided as follows: \$800,000 in contract award money and \$100,000 in professional staff, overhead and computing costs.

**15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 83-I.**

The total program change of 83 hours is attributed to the elimination of the NC Winter BFT Telephone Survey portion of the previous 0648-0380 PRA submission. Other changes are adjustments from re-estimating the number of permit holders subject to this information collection.

**16. For collections whose results will be published, outline the plans for tabulation and publication.**

All data collected and analyzed will be included in annual catch reports to ICCAT and several documents frequently produced in support of NMFS rulemakings (e.g., Environmental Assessments, Regulatory Impact Reviews, Stock Assessment and Fishery Evaluation Reports). It is also planned that catch summaries will be reprinted in a format available on the web page of the Division of Fisheries Statistics and Economics, Office of Science and Technology, National Marine Fisheries Service (<http://www.st.nmfs.gov/stl>). Additional summaries of data may be included in the annual NMFS publication "Fisheries of the United States".

**17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.**

Because the survey instruments are not distributed to the public but are used by interviewers, the attached burden statements including the OMB control number and expiration date of approval will not be provided in LPS documents or survey instruments, but will be read upon request to respondents. Those persons conducting telephone and dockside interviews will have the attached burden statement available to read to respondents upon request.

**18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I.**

There are no exceptions to the certification statement identified in Item 19 of OMB 83-I.

**B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS**

**1. Describe (including a numerical estimate) the potential respondent universe and any sampling or other respondent selection method to be used. Data on the number of entities (e.g. establishments, State and local governmental units, households, or persons) in the**

**universe and the corresponding sample are to be provided in tabular form. The tabulation must also include expected response rates for the collection as a whole. If the collection has been conducted before, provide the actual response rate achieved.**

The LPS utilizes a "complemented surveys" approach, which includes both a telephone survey of permit holders (about 22,500 potential respondents) to estimate fishing effort and an intercept survey of anglers at fishing sites to obtain catch data and biological data. This approach was developed and tested over a period of several years to minimize response and sampling errors for the different data elements. NMFS is a leader in the field of survey sampling of marine recreational fishermen.

**2. Describe the procedures for the collection, including: the statistical methodology for stratification and sample selection; the estimation procedure; the degree of accuracy needed for the purpose described in the justification; any unusual problems requiring specialized sampling procedures; and any use of periodic (less frequent than annual) data collection cycles to reduce burden.**

The LPS is used by NMFS to monitor recreational fisheries for large pelagics including tunas, billfish, sharks, mahi mahi, amberjack and wahoo, and for in-season quota monitoring for school and medium size recreational BFT fisheries. The LPS is used to collect the data needed for generating estimates of both the recreational fishing effort directed at large pelagic fishes and the recreational landings of these species.

The LPS design was modified in 1992 to allow for weekly monitoring of the landings of BFT by the Angling category of the fishery. Accurate weekly landings estimates are needed for effective quota monitoring of the recreational fishery for BFT because the International Commission for the Conservation of Atlantic Tunas (ICCAT) has recommended that countries limit harvest of school size West Atlantic BFT to 8% of the national quota. Although NMFS has since implemented a mandatory reporting system for BFT (automated reporting via toll-free telephone call), NMFS will continue with the weekly LPS survey design until sufficient data are collected to make a comparative assessment of the efficacy of the call-in system. Initial comparison studies (1997 and 1998) have indicated a low rate of compliance with the call-in requirement, hence the weekly survey estimates are deemed to be the best available scientific information upon which to base inseason management decisions (i.e., catch limit adjustments and closures).

The LPS is also used to collect landings data for seasonal catch estimates for billfishes, sharks, and tunas other than BFT (e.g., yellowfin, albacore), and to collect biological data on BFT and other large pelagic species.

The LPS estimates recreational BFT landings by multiplying the estimated average number of BFT landed per trip by the total number of angling trips. Due to the migratory nature of large pelagic fishes, the LPS design considers geographic and seasonal variation in fish distribution and the differences in effort catch characteristics of the fishing fleet. Given this variation and the data requirements for estimating the components of the generalized catch equation, the survey

incorporates a multi-frame, stratified random sampling design. Specifically, the LPS consists of two complementary components: a directory frame telephone survey of tuna and/or HMS permit holders to obtain fishing trip information, and a dockside survey that collects landings information from anglers as they complete each trip and that also estimates the proportion of vessels fishing for large pelagics that are not in the telephone frame (non-permitted vessels and vessels fishing out of state).

The telephone sample frame is determined by sorting vessels by state and boat type using tuna and/or HMS permit listings. The stratification scheme included seven geographic strata, corresponding to a state or groups of states, weekly temporal strata, and two fishing vessel strata, private boats and charter boats. This level of stratification is necessary due to the pulsed nature of the fishery as pelagic fish undertake summer feeding migrations through the mid-Atlantic and southern New England areas. Thus, estimates of sample frame size, average catch, and average fishing effort are needed for each combination of geographic, temporal and vessel type strata and the estimated total annual catch is the sum of the estimates produced for each stratum.

Landings data are collected by interviewing boat captains or boat owners at the completion of a fishing trip for large pelagics and recording data on permit status of the vessel and the size, number, and species composition of the catch by all anglers on the vessel from that trip. Dockside interviews are conducted throughout the fishing season on a weekly basis, generally from May through October. The intercept sample frame consists of a random cluster of individual vessel trips at selected fishing sites. Selection of sampling sites is based on the expected number of large pelagic fishing trips at each site, a determination based not only on the number of vessels docked at a port but also on the expected fishing pressure given the current distribution of large pelagic fish. Thus, heavily used sites are more likely to be selected for sampling.

Fishing effort data are collected through a weekly telephone survey of boat captains and vessel owners about trips taken during the previous week. The telephone survey sample frame consists of a list of boat owners and captains compiled from tuna and/or HMS permit files. Data collected on the telephone survey include participation status and, if verified as a participant in the fishery, the number of large pelagic fishing trips taken during the week prior to the call, on a per boat basis. To calculate total trips, the average number of trips by respondents is multiplied by the number of vessels on the frame. An adjustment is necessary because a vessel may not be present on the permit frame, or may be intercepted in a state other than the vessel's identified home port. This adjustment provides a better estimate the total number of vessel trips by both in and out of frame vessels, and allows the matching of information from the dockside survey with that from the telephone survey.

The total landings are estimated by multiplying the adjusted total trips for each state and boat type by the average landings recorded for that state and boat type. Variances, standard errors and coefficients of variation are estimated for each estimate of effort and catch. Control of response biases such as time-related recall error, telescoping, fish misidentification and prestige bias have resulted in the choice of the unique complemented surveys approach.

**3. Describe the methods used to maximize response rates and to deal with nonresponse. The accuracy and reliability of the information collected must be shown to be adequate for the intended uses. For collections based on sampling, a special justification must be provided if they will not yield "reliable" data that can be generalized to the universe studied.**

Intensive interviewer training and tested methodological approaches are employed to maximize response rates. Interviewers are tested for skills in fish identification, effective communication with potential respondents, and/or accurate coding of responses before they are hired for training. Training familiarizes interviewers with procedures and develops their interviewing skills through role playing exercises. Supervision and additional training of interviewers occurs during the conduct of both the telephone and intercept surveys. Field supervisors visit intercept survey interviewers periodically to observe their performance and provide additional training as needed. Telephone interviewers are monitored by contractor staff and NMFS staff to ensure consistency in survey administration.

**4. Describe any tests of procedures or methods to be undertaken. Tests are encouraged as effective means to refine collections, but if ten or more test respondents are involved OMB must give prior approval.**

More than 10 years of testing, methodological research and professional experience in survey work were used in formulating the present methodology.

**5. Provide the name and telephone number of individuals consulted on the statistical aspects of the design, and the name of the agency unit, contractor(s), grantee(s), or other person(s) who will actually collect and/or analyze the information for the agency.**

The present contractor for the dockside intercept survey is QuanTech, Inc. of Rosslyn, Virginia. The present contractor for the telephone interview survey is NuStats, Inc. of Alexandria, Virginia. Data collections are performed under contract; analyses are performed by NMFS staff.

**NOTE:** The OMB control number and expiration date of approval will be printed on all training materials, and written communications with potential respondents. This statement is provided to those persons conducting telephone and dockside interviews which will be read or disseminated to respondents upon request.

PRA Burden Statement for Survey Instruments

PAPERWORK REDUCTION ACT NOTICE: Collection of information through the Large Pelagics Fishing Survey provides essential information for the conservation and management of Atlantic tunas billfish and sharks. Information on fishing effort and catch will be used for stock assessment and in developing international catch sharing agreements. Public reporting burden for this collection of information is estimated as follows: a) 2 minutes for a pre-screen phone contact and 8 minutes per telephone survey response, b) 5 minutes per dockside interview response and 1.5 minutes per interviewer evaluation response, c) 3 minutes per socio-economic response and 15 minutes per charter clientele response, d) 1 minute per biological sampling response, e) 8 minutes per headboat survey response, and f) 6 minutes for a North Carolina Winter Bluefin Tuna Dockside Survey. These estimates include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: NMFS, Highly Migratory Species (F/SF1), 1315 East-West Highway, Silver Spring, MD 20910. Reporting of fishing effort for, and catch of, Atlantic highly migratory fish species is required under the authority of the Atlantic Tunas Convention Act and/or the Magnuson-Stevens Fishery Conservation and Management Act. It is NOAA policy to preserve the confidentiality of information submitted under this reporting requirement, except that NMFS may release such information in aggregate or summary form, such that individual identifiers are not disclosed (NAO 216-100). Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

OMB Control # 0648-0380  
Expires XX/XX/XXXX

May 13, 2002

John Smith  
1234 Main Street  
Anywhere, USA 12345

Dear John,

Every year, the National Marine Fisheries Service (NMFS) conducts a survey of offshore fishing for large pelagic species such as tunas, billfishes, sharks, dolphin, wahoo, and amberjack. Each week NMFS selects a random sample of boats from the [Highly Migratory Species/Atlantic Tunas] permit list and contacts the operators of those boats to collect information on fishing activity for large pelagic species. This information is critical to managing and enhancing the recreational opportunities available in the fishery.

Catch information is recorded and summaries are reported to the International Commission for the Conservation of Atlantic Tunas (ICCAT). These summaries are used by ICCAT to determine the allowable country quota for many of your recreational highly migratory species. Through an international compact ratified by the Atlantic Tunas Convention Act, the United States administers these quotas. Catch history is critical in supporting the allowable landings for each species that is allocated to U.S. Fishermen.

You have been selected to report fishing activity of the <<Vessel Name>> for the week of:

**<<6/3/2002 through 6/9/2002>>**

Beginning on **Monday, <<6/10/2002>>**,  
we will contact you to obtain information in a telephone interview.

The enclosed form shows the kinds of information you will be requested to provide on the telephone. You can use this form to record the information during the specified week(s) of fishing, but you are *not required* to complete it. *It is only provided for your convenience.* On the back of the form you will find specific explanations of the types of data that we will request in the telephone interview.

If you have any questions concerning the form or this important survey please call 1-800-591-TUNA. You may also use this number if you are not planning to renew your permit, or need to schedule a better time for our interviewers to speak with you. Thank you in advance for your cooperation.

Sincerely,



Chris Rogers, Chief  
Highly Migratory Species Division  
National Marine Fisheries Service

<b>Vessel Name:</b>	<<All Aboard>>
<b>Vessel Permit Category:</b>	<<Atlantic Tuna>>
<b>Vessel Permit:</b>	<<1234567>>
<b>Vessel Operator:</b>	<<John Smith>>
<b>Principal Port State:</b>	<<State>>

### Appendix 3. Sample LPS Telephone Questionnaire - FINAL

#### Q1. Introduction

Hello, I'm calling to conduct a survey for the National Marine Fisheries Service of the U.S. Department of Commerce. Our records show that [ves\_name] has obtained a tuna permit and is owned and operated by [rep\_name]. May I please speak with {respondent name}?

- |                                  |   |
|----------------------------------|---|
| [1] Respondent is available      | <b>Continue to Q3</b>                   |
| [2] Respondent NOT available     | <b>Go to Q4</b>                         |
| [3] Respondent deceased/disabled | <b>Go to SQ2&lt;new owner/capt?&gt;</b> |

#### Q2. Plain Text: Purpose of the study

***We are calling people with Highly Migratory Species or Atlantic tuna permits to ask them a few questions about fishing trips. This study is being conducted under the authority of the Atlantic Tunas Convention Act and the Privacy Act of 1974. Your answers will be kept confidential and this call may be monitored for quality assurance.***

***<Enter the day of the week you are dialing (see options below) and Go to SQ1>***

#### Screener question 1. Confirm the captain's name and ownership status

IF RESPONDENT: Are you the captain or owner of the {vsl\_name}?  
IF PROXY: Is {respondent} the captain or owner of the {vsl\_name}?

- |             |   |
|-------------|---|
| [1] Captain | <b>Go to Screener Q4 (see "Note" below)</b> |
| [2] Owner   | <b>Go to Screener Q4 (see "Note" below)</b> |
| [3] Both    | <b>Go to Screener Q4 (see "Note" below)</b> |
| [4] No      | <b>Continue to Screener Q2</b>              |

**Screeners question 2. Owner / Captain name**

Do you know the name of the owner or captain of the {vsl\_name}?

- [1] Yes      **Record owner's / captain's name - Continue.**
- [2] No      **Thank respondent and Terminate.**

**Screeners question 3. Owner phone number**

Do you know the telephone number of the owner or captain?

- [1] Yes      **Record owner's / captain's telephone number.**
- [2] No

**Thank respondent and Terminate.**

**NOTE TO CONTRACTOR - the following screener questions, #4 - 8, are to be asked when a vessel rep is first contacted. The info obtained should be updated in the vessel directory prior to subsequent week's dialing (variables will be specified in directory elements/formats). If the vessel is subsequently drawn a flag in the CATI system should indicate that these data have been obtained and to skip directly to the trip questions (Q8 Trips, below).**

#### **Screener question 4. For-Hire Fishing?**

Does the {vsl\_name} ever take anglers fishing for a fee?

- |             |   |
|-------------|---|
| [1] Yes     | <b>Go To SQ5a</b>                       |
| [2] No      | <b>Go To SQ5b</b>                       |
| [9] Refused | <b>Go To SQ5a then 5b, if necessary</b> |

#### **Screener question 5a. FOR-HIRE Boat Type**

When the {vsl\_name} carries anglers for hire, is it usually as a charter boat, or more often as a party (head) boat?

- |                  |                  |
|------------------|------------------|
| [2] Charter      | <b>Go To SQ6</b> |
| [3] Party (head) | <b>Go To SQ6</b> |

#### **Screener question 5b. NOT-FOR-HIRE Boat Type**

Is the {vsl\_name} ever used for commercial fishing or is it strictly a Private Boat?

- |                        |                      |
|------------------------|----------------------|
| [1] Private Boat       | <b>Go To SQ6</b>     |
| [4] Commercial Boat    | <b>Go To SQ6</b>     |
| [8] Neither / For-Hire | <b>Return to SQ4</b> |
| [9] Refused            | <b>Go To SQ6</b>     |

#### **Screener question 6. Sell fish**

Do you ever sell fish like tunas or sharks caught from {vsl\_name}?

- |         |                |
|---------|----------------|
| [1] Yes | [8] Don't Know |
| [2] No  | [9] Refused    |

#### **Screener question 7. State of principal port**

On your permit application, you listed your principal port as being located in {St\_port}. Is this still accurate?

- |                            |                          |
|----------------------------|--------------------------|
| [1] Yes - <b>Go to SQ8</b> | [2] No - <b>Continue</b> |
|----------------------------|--------------------------|

**Screeners question 7b. Other state of principal port**

In what state do you usually dock or launch this vessel?

If the respondent state of principal port is included in LPS-2002 then **Continue**.

If the respondent state of principal port is **not** one of the survey states for the LPS-2002 **Terminate the Interview & note to remove from sample frame (ineligible)**.

**Screeners question 8. LPS fishing**

Is {vsl\_name} ever used to target offshore pelagic species, that is tunas, sharks, billfish, swordfish, dolphin, amberjack, wahoo, or similar offshore species, using a rod and reel or handlines?

[1] Yes

**Continue to Survey Questions (Q8)**

[2] No

**Terminate & note to remove from sample frame**

**Q3. Trips - recreational fishing total**

During the week(s) of {recall period} how many fishing trips did the {vsl\_name} take?

(Charter recall = 1 week; Non-Charter recall = 2 weeks)

[0]

None

**Go to Q32**

[1 - 95]

Record Number

**Go to Q9**

[99]

Refused

**Q4. Did those trips targeted tunas, billfish, sharks, dolphin, wahoo, amberjack, swordfish, or similar offshore species?**

[0]

None

**Go to Q32**

[1 - 14]

Record Number

**Go to Q10**

[99]

Refused

**If Q9=0, terminate.**

**If Q9=1 or more: We are only interested in this (these) [insert number] trips of [ves\_name] where you targeted one of the species I just mentioned.**

**TRIP PROFILE LOOP - BEGIN WITH MOST RECENT TRIPS AND WORK BACKWARD THROUGH THE RECALL PERIOD (SAMPLE WEEK).**

**Q5. Trip date, beginning with most recent trip taken.**

What is the date of the most recent large pelagic trip?

**Q5b: If they don't know trip date.**

Did the {vsl\_name} take a trip on Sunday, {date}?

[1] Yes - **Go to Q6 (start of trip profile)**

[2] No - **Continue backward through week(s) to Monday {date} by day.**

[9] Don't Know / Refused - **if respondent doesn't know or refuses the days of all trips reported in Q8 Go To Q32, code [2] - NO, Continue to Q35 and code Status=mid-interview refusal.**

**Q6: Did that trip return to [St\_port]?**

[1] Yes **Go to Q7.**

[2] No **Continue to Q6b.**

**Q6b: What state did that trip return to?**

[Record State <pull down list? - FIPS code should go into data field>]

**Continue**

**Q7. What type of launch site did you return to? Was it a marina, private dock, public ramp, or something else?**

DO NOT READ LIST.

[1] Marina **Go to Q8**

[2] Private dock **Go to Q9**

[3] Public ramp **Go to Q8**

[4] Other type of launch site **Go to Q9**

**Q8. What is the name of the marina or ramp which you returned to on that trip?**

[Record Marina/Ramp <pull-down list? - FIPS code should go into data field>]

**Continue**

**Q9. To the nearest half-hour, at what time of day did your boat return to the dock at the end of that trip?**

[data should be in military format e.g. 2:30 pm recorded as 1430]

**Q10. What species or species group were you primarily fishing for on that trip?**

DO NOT READ LIST

- |   |                   |                    |                   |
|---|-------------------|--------------------|-------------------|
| [1] Amberjack                                       |                   | [11] Swordfish     |                   |
| [2] Atlantic bonito                                 |                   | [12] Sailfish      |                   |
| [3] Blue Marlin                                     |                   | [13] Mako shark    |                   |
| [4] Dolphin/mahi-mahi                               |                   | [14] Blue shark    |                   |
| [5] Shark   | <b>Go to Q10b</b> | [15] Sandbar shark |                   |
| [6] King mackerel                                   |                   | [16] Dusky shark   |                   |
| [7] Tuna  | <b>Go to Q10a</b> | [17] Albacore tuna |                   |
| [8] Wahoo   |                   | [18] Blackfin tuna |                   |
| [9] White marlin                                    |                   | [19] Skipjack tuna |                   |
| [10] Billfish                                       | <b>Go to Q10c</b> | [20] Bluefin tuna  | <b>Go to Q10e</b> |
|   |                   |                    |                   |
| [21] Bigeye tuna                                    |                   |                    |                   |
| [22] Yellowfin tuna                                 |                   |                    |                   |
| [24] Other Tuna (not Bluefin, Bigeye, or Yellowfin) |                   |                    |                   |
| [25] Other large pelagic                            | <b>Go to Q10d</b> |                    |                   |
| [26] Other Species                                  |                   |                    |                   |
| [98] Don't know/Don't remember                      |                   |                    |                   |
| [99] Refused  |                   |                    |                   |

**Q10a. What type of Tuna were you fishing for?**

DO NOT READ LIST

- |  |                   |
|--|-------------------|
| [0] Other Tuna (not Bluefin, Bigeye, or Yellowfin) |                   |
| [1] Bluefin tuna                                   | <b>Go to Q10e</b> |
| [2] Bigeye tuna                                    |                   |

[3] Yellowfin tuna

**Q10e. What size class of BLUEFIN Tuna were you fishing for?**

READ Size Classes.

- [1] School (less 57 in long)
- [2] Medium (57 - 70 in long)
- [3] Large (70 in or more)
- [8] Don't know
- [9] Refused

**Q10b. Which type of Shark were you fishing for?**

DO NOT READ

- |                 |                        |
|-----------------|------------------------|
| [14] Mako shark | [96] No specific shark |
| [15] Blue shark | [20] Other shark       |

**Q10c. Which type of Billfish were you fishing for?**

DO NOT READ

- |                  |                           |
|------------------|---------------------------|
| [3] Blue Marlin  | [96] No specific billfish |
| [9] White marlin | [12] Swordfish            |
| [13] Sailfish    |                           |

**Q10d. What "other" large pelagic species were you fishing for?**

[record first reported fish or group of fish ]

**IF CHARTER OR HEADBOAT ASK:**

**Q16. Did any angler pay a fee on that trip?**

**IF PRIVATE BOAT - CODE 'NO' AND CONTINUE TO Q17**

- |         |                               |
|---------|-------------------------------|
| [1] Yes | [8] Don't know/Don't remember |
| [2] No  | [9] Refused                   |

**Q12. Were you participating in a tournament on that day?**

- |                               |                        |
|-------------------------------|------------------------|
| [1] Yes                       | <b>Continue to Q18</b> |
| [2] No                        | <b>Go to Q19</b>       |
| [8] Don't know/Don't remember | <b>Go to Q19</b>       |
| [9] Refused                   | <b>Go to Q19</b>       |

**Q13. What was the name of the tournament?**

[record tournament name                      ]

**Q14. How many people on the boat were actively fishing?**

[record number     ]

**Q15. Were you primarily using a rod and reel on this trip?**

- |                     |                         |
|---------------------|-------------------------|
| [1] Yes             | <b>Continue to Q21</b>  |
| [2] No              | <b>Continue to Q21</b>  |
| [3] Other "specify" | <b>Continue to Q20b</b> |

**Q15b. What type of gear was primarily used on the trip?**

[record response    ] - **if not 'hook & line'-type - Go to next trip date - Rtn to Q10**

**Q15c. Is that a "hook and line" type of fishing gear?**

- |         |  |
|---------|--|
| [1] Yes | [2] No – If option 2 go to next trip date - Rtn to Q10 |
|---------|--|

**Q16. How many lines were used on that trip?**

[record number     ]

**Q17. To the nearest half-hour, how many hours were spent actively fishing, that is time with lines in the water?**

[record time to nearest half-hour     ]

**Q18. What type of bait was used during that trip? Live?**

[1] Yes

[2] No

**Q18b. Dead?**

[1] Yes

[2] No

**Q18c. Artificial?**

[1] Yes

[2] No

**Q18d. Did you use any other type of bait during that trip?**

[1] Yes, record bait type

[2] No

**Q19. What fishing method was used on that trip? Trolling?**

[1] Yes

[2] No

**Q19b. Chumming?**

[1] Yes

[2] No

**Q19c. Chunking?**

[1] Yes

[2] No

**Q19d. Did you use any other fishing method on that trip?**

[1] Yes, record fishing method

[2] No

**Q20. How many miles was that fishing location from the nearest shoreline?**

[record other]

**Q21. What was the name of the fishing grounds on which you did most of your fishing?**

[Record Grounds <pulldown list? - FIPS code should go into data field>]

**Q22. Do you know the latitude and longitude of that fishing ground?**

**Continue**

[1] Yes

**Continue to Q26a**

[2] No

**Continue to Q27**

**Q23a. To the nearest five minutes, at what latitude were you fishing?**

[record response (degrees, minutes) ] - **Continue to Q26b**

**Q23b. To the nearest five minutes, at what longitude were you fishing?**

[record response (degrees, minutes) ] - **Continue to Q27.**

**Q24. What was the average ocean depth, in feet, where you were fishing?**

[record depth ] - code 0 if unknown.

**Q25. What was the surface water temperature in degrees fahrenheit?**

[record temp ] - code 0 if unknown.

**Q26. Now I'd like to ask you a few questions about the fish you caught on this trip. Did you catch any Billfishes, Tunas, or Sharks?**

- |         |                               |
|---------|-------------------------------|
| [1] Yes | [8] Don't know/Don't remember |
| [2] No  | [9] Refusal                   |

If option [2], [8], or [9], **Go to next trip date - Rtn to Q10**

**Q27. What type of fish did you catch on this trip?**

DO NOT READ

- |                     |                    |                     |                    |
|---------------------|--------------------|---------------------|--------------------|
| [1] Atlantic bonito | Go to NEXT Trip    | [11] Sandbar shark  | <b>Go to CQ1-3</b> |
| [2] Blue Marlin     | Go to NEXT Trip    | [12] Dusky shark    | <b>Go to CQ1-3</b> |
| [3] Shark           | <b>Go to Q29b</b>  | [13] Albacore tuna  | Go to NEXT Trip    |
| [4] Tuna            | <b>Go to Q29</b>   | [14] Bluefin tuna   | <b>Go to CQ1-3</b> |
| [5] White marlin    | <b>Go to CQ1-3</b> | [15] Bigeye tuna    | <b>Go to CQ1-3</b> |
| [6] Billfish        | Go to NEXT Trip    | [16] Yellowfin tuna | Go to NEXT Trip    |
| [7] Swordfish       | Go to NEXT Trip    | [17] Little Tunny   | Go to NEXT Trip    |
| [8] Sailfish        | Go to NEXT Trip    | [18] Blackfin tuna  | Go to NEXT Trip    |
| [9] Mako shark      | <b>Go to CQ1-3</b> | [19] Skipjack tuna  | Go to NEXT Trip    |
| [10] Blue shark     | <b>Go to CQ1-3</b> |                     |                    |

- [98] Don't know/Don't remember Go to Terminate  
 [99] Refused Go to Terminate

**Q28. What species of tuna?**

- [1] Bluefin tuna **Go to Q29a**  
 [2] Bigeye tuna  
 [3] Yellowfin tuna  
 [0] Other Tuna (not Bluefin, Bigeye, or Yellowfin)

**Q29a. What size class of Bluefin tuna?**

READ LIST

- |                                 |                      |
|---------------------------------|----------------------|
| [1] Young School (under 26 in ) | - <b>Go to CQ1-3</b> |
| [2] School (26 - 45 in)         | - <b>Go to CQ1-3</b> |
| [3] Large School (45 - 57 in)   | - <b>Go to CQ1-3</b> |
| [4] Small Medium (57 - 70 in)   | - <b>Go to CQ1-3</b> |
| [5] Large Medium (70 - 77 in)   | - <b>Go to CQ1-3</b> |
| [6] Giant (77 in or more)       | - <b>Go to CQ1-3</b> |
| [8] Don't know                  |                      |
| [9] Refused                     |                      |

**Q29b. Were the Sharks any of the following species?**

READ LIST

- |                   |                                  |
|-------------------|----------------------------------|
| [1] Shortfin Mako | - Go to CQ1-3                    |
| [2] Blue Shark    | - Go to CQ1-3                    |
| [3] Sandbar Shark | - Go to CQ1-3                    |
| [4] Dusky Shark   | - Go to CQ1-3 & continue to Q35. |
| [8] Don't know    |                                  |
| [9] Refused       |                                  |

**CQ1. How many of those <species/bluefin class> did you keep?**

[record number of fish ] - Continue to CQ2.

**CQ2. How many of those <species/bluefin class> did you release alive?**

[record number of fish ] - Continue to CQ3.

**CQ3. How many of those <species/bluefin class> did you release dead?**

[record number of fish ]

TERMINATE:

***“Those are all of the question that I have for you, thank you for your time and cooperation.”*** - to be read whenever the question sequence dumps the interviewer out to Q 32-Q36.

**Q30. Took no trips or refused trip information.**

NR Disposition

**END - acquire next calling record.**

# LARGE PELAGIC FISHERY PHONE SURVEY FORM

**(Instructions on the back)**

**FOR PERIOD – Monday through Sunday,**

VESSEL NAME -

**VESSEL PERMIT CATEGORY –**

**VESSEL PERMIT NUMBER -**

**VESSEL OPERATOR**

**PRINCIPAL PORT STATE –**

**TOTAL # TRIPS –**

## TOTAL # "LARGE PELAGIC" TRIPS –

[illegible]

# CATCHES OF SELECTED LARGE PELAGIC SPECIES

[illegible]

# INSTRUCTIONS FOR FILLING IN PHONE SURVEY FORM

We are providing this form so that you can see what fishing effort information we will ask you to supply in a telephone interview. You may choose to use this form to document your fishing activity for the vessel and week designated on this form. We will contact you by telephone sometime during the week after the fishing activity occurred. Please help us to accurately represent your fishing by cooperating with the telephone interview. This form should be filled out for the week listed on the white label on the reverse side of this form only.

**Total # Trips** – Total number of fishing trips taken that week beginning on Monday

**Total # “Large Pelagic” Trips** – Total number of fishing trips to target or catch any large offshore species such as tunas, marlins, sailfish, swordfish, sharks, dolphin, wahoo, or amberjack taken that week beginning on Monday

**Trip** - Sequential number of the trip taken that week beginning on Monday.

**Date** - Date of the trip (month/day/year).

**Trip Type** - Type of trip taken as defined below:

**Charter** - Fishing trip with paying passengers who hired the vessel as a group.

**Headboat** - Fishing trip with paying passengers who paid to fish as individuals.

**Private** - Fishing trip with no paying passengers.

**Other** - Trip for commercial fishing or some purpose other than fishing.

**Target** - Type of fish that were the fishing targets for the trip.

**Large Pelagic Species?** - Did fishing on this trip target or catch any large offshore species such as tunas, marlins, sailfish, swordfish, sharks, dolphin, wahoo, or amberjack?

**Fish Species** - Specific name of the fish that was the primary fishing target for the trip.

**Origin of Trip** – State from which the fishing trip originated

**Fishing Site** - Location from which the trip originated.

**Type** - Type of site (marina, ramp, or private dock) from which the trip originated.

**Name** - Name of the marina or ramp from which the trip originated.

**Trip Start Time** - Time of day when the boat departed the dock or ramp for the fishing trip.

**Trip End Time** - Time of day when the boat arrived back at the dock or ramp.

**Number of Anglers** - Number of people fishing on trip (excluding captain/crew for charter trips).

**Gear** - Types of fishing gear used for fishing on trip (include all used but list primary gear first).

**Rod/Reel** - Fishing with rod and reel.

**Handline** - Fishing with handline.

**Harpoon** - Fishing with harpoon.

**Other** - Fishing with other types of gear.

**Bait Type** - Types of bait used for fishing on trip (include all used but list primary bait type first).

**Live** - Fishing with live bait.

**Dead** - Fishing with dead bait.

**Artificial** - Fishing with artificial lures.

**Fishing Methods** - Methods of fishing used on trip (include all used but list primary method first).

**Trolling** - Lines fished by pulling through the water while under power.

**Chumming** – Use of any combination of ground up fish, blood, fish oil, etc. delivered slowly as a liquid, semi-solid, frozen block, and/or in a chum bag, with the main purpose of introducing the scent and/or small pieces of the bait into the water to attract fish.

**Chunking** – Use of cut up pieces of bait (larger than used for chumming) thrown into the water for the purpose of stimulating feeding behavior.

**Fishing Location** - Location where most of the fishing took place.

**Fishing Grounds** - Name or location (latitude/longitude or Loran reading) of the primary fishing grounds for the trip.

**Number of Lines** - Maximum number of lines used for fishing at any one time during the trip.

**Hours Fished** - Amount of time spent actively fishing with lines in the water to the nearest ½ hour.

**Water Depth** - Estimated depth of the ocean where most of the fishing took place.

**Water Temp.** - Estimated water temperature where most of the fishing took place.

**Tournament** - If applicable, the name of the tournament in which the fishing trip was entered.

**Catches of Selected Large Pelagic Species** - For each fishing trip, please indicate the number of fish caught for each species and length category shown on the form.

**Selected Species** - We are only asking for catch information on the following selected species:

**Bluefin tuna** - Please record catch of this species by disposition and length category as follows:

**Young School** - Bluefin tuna less than 655 mm or less than 26 inches in length.

**School** - Bluefin tuna ranging from 656 to 1145 mm or from 26 to 45 inches in length.

**Large School** - Bluefin tuna ranging from 1146 to 1445 mm or from 45 to 57 inches in length.

**Small Medium** - Bluefin tuna ranging from 1446 to 1785 mm or from 57 to 70 inches in length.

**Large Medium** - Bluefin tuna ranging from 1786 to 1955 mm or from 70 to 77 inches in length.

**Giant** - Bluefin tuna more than 1955 mm or 77 inches in length.

**Bigeye Tuna, White Marlin, Shortfin Mako, Blue Shark, Dusky Shark, and Sandbar Shark** - please only record catch by disposition.

**Catch Disposition** - Please distinguish between the following categories of catch in recording numbers of fish:

**Kept (K)** - Fish that are caught and landed.

**Released Dead (D)** - Fish that are caught and released dead.

**Released Live (L)** - Fish that are caught and released while still alive.

PAPERWORK REDUCTION ACT NOTICE: Collection of information through the Large Pelagics Fishing Survey provides essential information for the conservation and management of Atlantic tunas, billfish and sharks. Information on fishing effort and catch will be used for stock assessment and in developing international catch-sharing agreements. Public reporting burden for this telephone survey is estimated at 8 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: NMFS, Highly Migratory Species (F/SF1), 1315 East-West Highway, Silver Spring, MD 20910. Reporting of fishing effort for, and catch of, Atlantic highly migratory fish species is required under the authority of the Atlantic Tunas Convention Act and/or the Magnuson-Stevens Fishery Conservation and Management Act. It is NOAA policy to preserve the confidentiality of information submitted under this reporting requirement, except that NMFS may release such information in aggregate or summary form, such that individual identifiers are not disclosed (NAO 216-100). Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number. OMB Control # 0648-0380

Expires XX/XX/XXXX



LARGE

PELAGIC

INTERCEPT

SURVEY

QUESTIONNAIRE

1. INTERVIEWER CODE

2. INTERVIEW DATE (MO / DAY)

3. INTERVIEW TIME

4. STATE CODE

5. CONTROL NUMBER

6. DOCUMENT NUMBER

(USE 24 HOUR CLOCK)

7a. COUNTY

7b. SITE

7c. CLUSTER

8. SITE TYPE

1 = Marina

2 = Private Dock

3 = Public Ramp

4 = Other

9. What is the name of your boat?

2 ☐ (MARK HERE IF THE BOAT DOES NOT HAVE A NAME)

10a. Is your boat primarily operated as a...

1 ☐ Private Boat

8 ☐ Don't Know

2 ☐ Charter Boat

9 ☐ Refused

3 ☐ Party/Head Boat ▶ *TERMINATE*

10b. Was the trip today a charter trip or private trip?

1 ☐ Charter

8 ☐ Don't know

2 ☐ Private

9 ☐ Refused

11a. Does your boat have a NMFS HMS/Atlantic tunas permit number?

1 ☐ Yes

8 ☐ Don't know ▶ *GO TO Q.12A*

2 ☐ No ▶ *GO TO Q.12A*

9 ☐ Refused ▶ *GO TO Q.12A*

11b. What category is your NMFS HMS/Atlantic tunas permit?

1 ☐ General

8 ☐ Don't know

2 ☐ Angling

9 ☐ Refused

3 ☐ Charter/Head Boat

11c. What is your boat's NMFS HMS/Atlantic tunas permit number?

▶ (IF NUMBER GIVEN, SKIP TO Q.14)

☐ Don't know

☐ Refused

12a. Is your boat documented with the Coast Guard?

1 ☐ Yes

8 ☐ Don't know ▶ *GO TO Q.13A*

2 ☐ No ▶ *GO TO Q.13A*

9 ☐ Refused ▶ *GO TO Q.13A*

12b. What is your boat's Coast Guard document number?

▶ (IF NUMBER GIVEN, SKIP TO Q.14)

☐ Don't know

☐ Refused

13a. Does your boat have a state registration number?

1 ☐ Yes

8 ☐ Don't know ▶ *GO TO Q.14*

2 ☐ No ▶ *GO TO Q.14*

9 ☐ Refused ▶ *GO TO Q.14*

13b. What is your boat's state registration number?

☐ Don't know

☐ Refused

14. What State is the principle port location listed on your permit application?

▶ State FIPS Code (NUMBERS)

▶ State Postal Code (LETTERS)

15. At about what time did your boat return to this site?

(USE 24 HOUR CLOCK)

16. For what species were you primarily fishing today?

Species Name \_\_\_\_\_  
(Probe for one species. If Bluefin Tuna, probe for size category. Choose appropriate code from Coding List.)

17a. Were you participating in a tournament today?

1 ☐ Yes

8 ☐ Don't know ▶ *GO TO Q.18*

2 ☐ No ▶ *SKIP TO Q.18*

9 ☐ Refused ▶ *GO TO Q.18*

17b.What was the name of the tournament?

18. What type of fishing gear was primarily used?

1 ☐ Rod and Reel

2 ☐ Handline

3 ☐ Other (*SPECIFY*) ▶ *TERMINATE*

19. How many fishing lines were used for your (*INSERT GEAR*) fishing?

▶ Number of Lines

20. How many hours were spent fishing for large fish in the open ocean using (*INSERT GEAR*)? That is, how many hours were the lines in the water, with or without fish on them?

▶ Number of Hours Spent Fishing

21. For your (*INSERT GEAR*) fishing, which type of bait was used? (READ LIST; CHECK ALL THAT APPLY)

1 ☐ Live

1 ☐ Artificial

1 ☐ Dead

22. For your (*INSERT GEAR*) fishing, which method was used? (READ LIST; CHECK ALL THAT APPLY)

1 ☐ Trolling

1 ☐ Chumming

1 ☐ Chunking

1 ☐ Other (*SPECIFY BELOW*)

23. How many people on the boat were actively fishing with rod and reel or handline for large fish?

▶ Number of People Fishing

24. Where were you fishing for large fish?

25. How many miles were you offshore—that is, how many miles was it to the nearest land?

▶ Number of Miles

26. How many feet deep was the water (depth to bottom)?

▶ Water Depth in Feet

27. What was the surface water temperature in degrees Fahrenheit?

▶ Water Temperature

28. In the event that my supervisor wishes to verify that I have been conducting interviews here today, may I have your name and telephone number?

RESPONDENT'S NAME

TELEPHONE NUMBER

2 ☐ (MARK HERE IF THE RESPONDENT WOULD NOT PROVIDE A NAME OR TELEPHONE NUMBER)

INTERVIEWER:

DID YOU RECORD ANY PELAGICS CAUGHT BY THE VESSEL ON THE NEXT PAGE (Q.29 = YES)?

☐ ▶ YES

☐ ▶ NO





INTERVIEWER, PLEASE RE-RECORD THE FOLLOWING INFORMATION FROM THE FRONT OF THIS INTERCEPT FORM:

4. STATE CODE

5. CONTROL NUMBER

6. DOCUMENT NUMBER

29. Did you or anglers on your boat catch any tunas, billfish, sharks, swordfish, dolphin, wahoo, amberjack, or other large pelagic fish today?

1 ☐ Yes ▶ *GO TO Q.30*      2 ☐ No ▶ *THANK RESPONDENT*      8 ☐ Don't know ▶ *THANK RESPONDENT*      9 ☐ Refused

30. What species were caught? *SEE LIST BELOW; FOR EACH SPECIES, ASK:*

How many of those did you keep?    How many of those were released alive?  
How many of those were released dead?    How many of those **that were kept** were sold or will be sold?

Species / Size Category																	Species Code				Number Kept		Number Released				Number to Sell																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																					
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31. May I measure the fish?

1 ☐ Yes ▶ *RECORD SPECIES CODE, LENGTH, GENDER, AND PREPARATION OF SPECIMEN*      2 ☐ No ▶ *THANK RESPONDENT*

GENDER CODES: 1=MALE; 2=FEMALE      PREP CODES: 0=WHOLE; 2=GUTTED; 6=PECTORAL LENGTH: VALID ONLY FOR SPECIES 4671 & 4679

SPECIES CODE

1.

2.

3.

4.

5.

LENGTH (mm)

GENDER

PREP

SPECIES CODE

6.

7.

8.

9.

10.

LENGTH (mm)

GENDER

PREP

BILLFISH & SWORDFISH

SPECIES CODE

UPPER BILL LENGTH (mm)

LOWER JAW LENGTH (mm)

PREP



**Large Pelagics  
Socio-Economic Field Survey Questionnaire  
for Private Boat Captain/Owners**

**(On Telephone Follow-up for Party/Charter Passengers)**

LARGE PELAGICS FIELD SURVEY SOCIOECONOMIC QUESTIONNAIRE

1. Was this vessel being used as a private boat on this past trip, or on your last large pelagic fishing trip? Yes--> GO TO QUESTION 2 NO--> GO TO QUESTION 1B

1.B. Would you be willing to distribute these cards to your customers on this past and/or future party/charter trip? (TERMINATE INTERVIEW).

2. Are you a paid crew member of this boat?  
Yes--> TERMINATE NO--> CONTINUE

				INTERVIEWER	
				CODE	
				DATE	
				DOCUMENT NUMBER	

IF CONDUCTING A DOCKSIDE INTERCEPT, SKIP TO Q5 |

1. What species or species group were you primarily fishing for on this past trip, or on your last large pelagic fishing trip?
- 1...Marlin/Tuna (NOT BLUEFIN) 4...Small Medium Bluefin Tuna 7...Bluefin Tuna (size classification unknown)  
2...Shark 5...Large Medium Bluefin Tuna 8...Other Large Pelagic (SPECIFY)  
3...Small Bluefin Tuna 6...Giant Bluefin Tuna

2. On this past trip, or on your last large pelagic fishing trip, how many people on the boat were actively fishing for large game fish such as tunas, billfish, sharks, mahi mahi, amberjack or wahoo in the open ocean?

3. Did you or other anglers in your boat catch any tunas, billfish, sharks, or other large pelagics on this past trip, or on your last large pelagic fishing trip?

Please include any of these fish that you might have caught and kept or released.

Yes...1 No...2--> GO TO QUESTION 4 Don't Know...8--> GO TO QUESTION 4 Refused...9--> GO TO QUESTION 4

IF YES, ASK:

What species did you catch? -->FOR EACH SPECIES ASK: How many of those \_\_\_\_ did you catch?

- a. BFT-yng schl 4673 (1-655 mm)  
b. BFT-school 4677 (656-1145 mm)  
c. BFT-lrg schl 4678 (1146-1445 mm)  
d. BFT-smll med 4676 (1446-1785 mm)  
e. BFT-lrg med 4679 (1786-1955 mm)  
f. BFT-giant 4671 (1956+ mm)  
g. Albacore 4701  
h. Skipjack 4661  
i. Yellowfin 4711  
j. Bigeye 4691

- k. White 2161 Marlin  
l. Blue 2171 Marlin  
m. Sailfish 3026  
n. Sword- 4328 fish  
o. Wahoo 4720  
p. Blue 4931 Shark  
q. Mako 3571 Shark  
r. Thresher 3531 Shark  
s. White 4801 Shark  
t. Sandbar 4821 Shark

- u. Dusky 4841 Shark  
v. Tiger 4911 Shark  
w. Hammer 4951 -Head  
x. Sand 3491 Tiger  
y. Other \_\_\_\_ Shark \_\_\_\_  
z. Little 4681 Tunny  
aa. Atlantic 0330 Bonito  
bb. Amber 0030 -jack  
cc. King 1940 Mackerel  
dd. Dolphin 1050  
ee. Other

FISH TIME TOTAL TIME

Specify

4. On this past trip, or on your last large pelagic fishing trip, how many hours were spent fishing for large game fish in the open ocean? That is, how many hours were the lines in the water with or without fish?  
--> 5. On this past trip, or on your last large pelagic fishing trip, how many total hours were spent at sea (including travel time from your port to your actual fishing locations)?

6. On this past trip, or on your last large pelagic fishing trip, how many miles did you drive from your home to your port or boat ramp (one way)?

7. On your most recent large pelagic fishing trip, were you on a one-day fishing trip, or was this day of fishing part of a longer trip in which you spent at least one night away from your residence? 1=1-day trip, 2=multi-day trip.

If multi-day trip

How many days were you away from your residence?

How many days were spent fishing?

8. It is important to have some idea of the expenditures associated with recreational fishing for large pelagics. Keeping in mind such expenses as ice, vessel fuel, bait, and groceries, what were the costs associated specifically with your most recent large pelagic fishing trip?

9. How many years have you been fishing for large pelagics?

10. Can you please indicate the number of trips you took targeting each of the following species year?

a. Bluefin Tuna

b. Yellowfin Tuna

c. Other Tunas (NOT BLUEFIN/YELLOWFIN)

d. Sharks

e. Billfish

f. Other Large Pelagics (SPECIFY)

11. Please indicate the LETTER that corresponds most closely to your total household income for last year.

a. <\$25,000 c. \$50,001-\$75,000 e. \$100,001-\$150,000 g. \$200,001-\$250,000

b. \$25,001-\$50,000 d. \$75,001-\$100,000 f. \$150,001-\$200,000 h. >\$250,001

12. Would you be willing to participate in a telephone survey as a follow-up to this survey?

Yes      No      If yes, indicate telephone number(s) including area code: (    )      -  
THANK YOU VERY MUCH FOR YOUR TIME AND COOPERATION

## CARD TO BE DISTRIBUTED TO PARTY/CHARTER CUSTOMERS

The National Marine Fisheries Service (NMFS) is conducting a telephone survey on participation and the economic importance of recreational fisheries as well as attitudes of recreational fishermen concerning management of highly migratory (large pelagic) species. Answering the telephone questionnaire requires approximately 15 minutes. All your responses will be held in complete confidence.

Your participation in this telephone survey would be greatly appreciated. If you are willing to participate in a follow-up survey, please complete the section below and mail it to the address on the other side of the card.

Thank you for your cooperation, which helps ensure that NMFS obtains the information necessary to make informed management decisions for large pelagic fisheries.

*Kindly print:*

Name \_\_\_\_\_

Telephone number \_\_\_\_\_

Preferred time/day to call \_\_\_\_\_

(Other side of the card has Contractor mailing address).

**Large Pelagic Species  
Socio-Economic Telephone Survey Questionnaire**

**Section A: Party/Charter customer - first part of follow-up**

**Section B1: Section to be administered for FIRST follow-up phone survey ONLY,  
party/charter passengers and private boat captain/owners**

**Section B2: Section to be administered for EVERY follow-up survey,  
party/charter passengers and private boat captain/owners**

Section A: Party/Charter Passengers - initial portion of telephone follow-up (asked on all P/C follow-ups)

- 
1. What species or species group were you primarily fishing for on your last large pelagic fishing trip?  
1...Marlin/Tuna (NOT BLUEFIN)    4...Small Medium Bluefin Tuna    7...Bluefin Tuna (size classification unknown)  
2...Shark    5...Large Medium Bluefin Tuna    8...Other Large Pelagic (**SPECIFY**)  
3...Small Bluefin Tuna    6...Giant Bluefin Tuna    \_\_\_\_\_

- 
2. Did you catch any tunas, billfish, sharks, or other large pelagics on this past trip,  
or on your last large pelagic fishing trip?  
Please include any of these fish that you might have caught and kept or released.  
Yes...1    No...2--> GO TO QUESTION 4    Don't Know...8--> GO TO QUESTION 4    Refused...9--> GO TO QUESTION 4

IF YES, ASK:

What species did you catch? -->FOR EACH SPECIES ASK: How many of those \_\_\_\_\_ did you catch?

a. BFT-yng schl 4673 (1-655 mm)		k. White 2161 Marlin		u. Dusky 4841 Shark	
b. BFT-school 4677 (656-1145 mm)		l. Blue 2171 Marlin		v. Tiger 4911 Shark	
c. BFT-lrg schl 4678 (1146-1445 mm)		m. Sailfish 3026		w. Hammer 4951 -head	
d. BFT-smll med 4676 (1446-1785 mm)		n. Sword- 4328 fish		x. Sand 3491 Tiger	
e. BFT-lrg med 4679 (1786-1955 mm)		o. Wahoo 4720		y. Other _____ Shark _____	
f. BFT-giant 4671 (1956+ mm)		p. Blue 4931 Shark		z. Little 4681 Tunny	
g. Albacore 4701		q. Mako 3571 Shark		aa. Atlantic 0330 Bonito	
h. Skipjack 4661		r. Thresher 3531 Shark		bb. Amber 0030 -jack	
i. Yellowfin 4711		s. White 4801 Shark		cc. King 1940 Mackerel	
j. Bigeye 4691		t. Sandbar 4821 Shark		dd. Dolphin 1050	
				ee. Other	

Specify \_\_\_\_\_

- 
3. On your last large pelagic fishing trip, how many hours were spent fishing for large game fish in the open ocean?  
That is, how many hours were the lines in the water with or without fish on them?
- 
4. On your last large pelagic fishing trip, how many total hours were spent at sea (including  
travel time from your port to your actual fishing locations)?
- 
5. On your last large pelagic fishing trip, how many miles did you drive from your home to your  
port (one way)?
- 
6. On your last large pelagic fishing trip, what was the per person fee charged by the party/charter vessel  
owner/operator?
- 
7. On your most recent large pelagic fishing trip, were you on a one-day fishing trip, or was this day of fishing part  
of a longer trip in which you spent at least one night away from your residence? 1=1-day trip, 2=multi-day trip.

If multi-day trip

How many days were you  
away from your residence?

How many days were  
spent fishing?

- 
8. How many years have you been fishing for large pelagics?

9. Can you please indicate the number of private boat and party/charter trips you took targeting each of the following species this year?

Private Boat Trips	Party/charter Trips		Private Boat Trips	Party/charter Trips	
<div><div></div><div></div><div></div></div>	<div><div></div><div></div><div></div></div>	a. Bluefin Tuna	<div><div></div><div></div><div></div></div>	<div><div></div><div></div><div></div></div>	d. Sharks
<div><div></div><div></div><div></div></div>	<div><div></div><div></div><div></div></div>	b. Yellowfin Tuna	<div><div></div><div></div><div></div></div>	<div><div></div><div></div><div></div></div>	e. Billfish
<div><div></div><div></div><div></div></div>	<div><div></div><div></div><div></div></div>	c. Other Tunas	<div><div></div><div></div><div></div></div>	<div><div></div><div></div><div></div></div>	f. Other Large Pelagics ( <u>NOT</u> BLUEFIN/YELLOWFIN)

SPECIFY \_\_\_\_\_

- 
10. Please indicate the LETTER that corresponds most closely to your total household income for last year.  
a. <\$25,000    c. \$50,001-\$75,000    e. \$100,001-\$150,000    g. \$200,001-\$250,000  
b. \$25,001-\$50,000    d. \$75,001-\$100,000    f. \$150,001-\$200,000    h. >\$250,001

GO TO QUESTIONNAIRE B1.

Section B1. Administer this section of questionnaire B ONLY to Private boat captain/owners and party/charter passengers being interviewed by phone for the FIRST TIME.

A. HAVE YOU BEEN INTERVIEWED BY PHONE THIS SEASON?

If yes, go to Section B2. 1=yes, 2=no.

B) What would you say is the main reason why you chose to fish in the state where you were interviewed?

Allow up to three answers

1. I live here

2. I always go there

3. Better catch rates/access to species

4. Less congestion

5. Weather or water conditions
6. Scenic beauty at the site

7. Other (specify)

8. Don't know

9. Refused

C) Compared to your other outdoor recreation activities, would you rate fishing for large pelagic species as:

1. Your most important outdoor activity

2. Your second most important outdoor activity

3. Only one of many outdoor activities
8. Don't know

9. Refused

D) People list many different reasons why they like to go saltwater fishing,. Please rate each of the following items as either 1=Very important, 2=Somewhat important, or 3=Not important, 8=don't know, 9=refuse:

- Experience excitement or challenge of sport fishing
- Fish in a tournament or when citations are available
- Like to fight big fish
- Possibility of selling catch
- Other (specify)

E) Considering bluefin tuna, indicate whether you support or oppose these conservation measures

1=support, 2=oppose, 8=don't know, 9=refuse

- Minimum size limits

Season closures

Area closures
- Limits on the number of fish you can keep

Global quotas

Gear restrictions

F) Considering yellowfin tuna, indicate whether you support or oppose the following conservation measures.

1=support, 2=oppose, 8=don't know, 9=refuse

- Minimum size limits

Season closures

Area closures
- Limits on the number of fish you can keep

Global quotas

Gear restrictions

G) The current daily bag limit for bluefin tuna is 2 fish per angler per day. Suppose you could choose to buy a special license that would increase your daily bag limit to 3 fish per day. What would be the maximum amount of money you would be willing to pay for this special license? 88888=don't know, 99999=refused

Enter dollar amount

- If zero, which of the following statements best describes why you feel the way you do?
1. You don't fish for bluefin tuna

2. You already keep all the fish you care to

3. Other
4. You don't want to pay any more to fish than you do now

5. You don't know how much a one-fish change is worth to you

8. Don't know

9. Refused

H) The current daily bag limit for yellowfin tuna is 10 fish per angler per day. Suppose you could choose to buy a special license that would increase your daily bag limit to 11 fish per day. What would be the maximum amount of money you would be willing to pay for this special license? 88888=don't know, 99999=refused

Enter dollar amount

- If zero, which of the following statements best describes why you feel the way you do?
1. You don't fish for yellowfin tuna

2. You already keep all the fish you care to

3. Other
4. You don't want to pay any more to fish than you do now

5. You don't know how much a one-fish change is worth to you

8. Don't know

9. Refused

I) Do you believe that recreational fishermen should be allowed to sell their catch?

1. Yes, 2. No, 8. Don't know, 9. Refused

Section B1. Continued.

J) What is your assessment of ICCAT or international management of the following species? Rank each as 1. Good, 2. Average, 3. Poor, 8. Don't know, 9. Refused, and give your reason for the ranking:

Rank	Reason	Reasons:
<div><div></div><div></div><div></div><div></div></div>	Bluefin Tuna	1. Allocations among countries
<div><div></div><div></div><div></div><div></div></div>	Yellowfin Tuna	2. Belief in stock assessments
<div><div></div><div></div><div></div><div></div></div>	Swordfish	3. Compliance by other countries
<div><div></div><div></div><div></div><div></div></div>	Billfish	4. Other, SPECIFY _____ <i>(Reasons can be either negative or positive reactions Example. Lack of agreement with allocations or support of allocations. Enter the first reason given)</i>

K) What is your assessment of NMFS or national management of the following species. Rank each as 1. Good, 2. Average, 3. Poor, 8. Don't know, 9. Refused, and give your reason for the ranking:

Rank	Reason	Reasons:
<div><div></div><div></div><div></div><div></div></div>	Bluefin Tuna	1. Allocations among user groups
<div><div></div><div></div><div></div><div></div></div>	Yellowfin Tuna	2. Belief in monitoring quotas
<div><div></div><div></div><div></div><div></div></div>	Swordfish	3. Enforcement
<div><div></div><div></div><div></div><div></div></div>	Billfish	4. Other, SPECIFY _____ <i>(Reasons can be either negative or positive reactions Example. Lack of agreement with allocations or support of allocations. Enter the first reason given)</i>
<div><div></div><div></div><div></div><div></div></div>	Sharks	

L) In order to profile large pelagic recreational fishermen, would you kindly indicate your:

Gender

1=Male, 2=Female, 8. Don't know, 9=Refused (Do not ask if discerned by the interviewer)

Age (Leave blank if refused)

Last Grade of formal educational

1. less than high school degree

2. High school graduate

3. Vocational/community college

4. Some college

5. College graduate

6. Post-graduate/professional degree,

8. Don't know

9. Refuse

Profession (We need to set up categories - Any standards/suggestions?)

Would you describe your ethnic background as:

1. White

2. Black

3. Hispanic

4. Asian

5. Other

8. Don't know

9. Refused

Section B2. Administer this section of the questionnaire for EVERY phone interview of private boat captain/owners and party/charter passengers.

NOTE: A trip means a single trip away from home, i.e. a multi-day trip would be profiled here, not each day of a multi-day trip.

A) In the past month, how many trips (including the trip on which you were intercepted) did you take targeting:

<div><div></div><div></div></div>	Bluefin tuna <b>If trips with bluefin tuna How many were for</b>	<div><div></div><div></div></div>	Small
<div><div></div><div></div></div>	Marlin/Other tuna SPECIFY _____	<div><div></div><div></div></div>	Small Medium
<div><div></div><div></div></div>	Shark	<div><div></div><div></div></div>	Large Medium
<div><div></div><div></div></div>	Other large Pelagics SPECIFY _____	<div><div></div><div></div></div>	Giant

For each of the trips listed above, we would like to ask four questions about the trip.

B) What was the total number, by species, of large pelagic fish you caught on your \_\_\_\_ (trip number)  
When you were targeting \_\_\_\_\_?

<div><div></div><div></div></div>	Bluefin tuna <b>If caught bluefin tuna How many were</b>	<div><div></div><div></div></div>	Small
<div><div></div><div></div></div>	Marlin/Other tuna SPECIFY _____	<div><div></div><div></div></div>	Small Medium
<div><div></div><div></div></div>	Shark	<div><div></div><div></div></div>	Large Medium
<div><div></div><div></div></div>	Other large Pelagics SPECIFY _____	<div><div></div><div></div></div>	Giant

C) Did you sell any of the catch caught during your large pelagic trips? If yes, How many, what was their approximate weight, and average price for fish sold.

BLUEFIN TUNA

NUMBER	WEIGHT (LB)	PRICE/LB (xx.xx)	
<div><div></div><div></div></div>	<div><div></div><div></div><div></div><div></div></div>	<div><div></div><div></div></div> <div><div></div><div></div></div>	Small Medium tuna
<div><div></div><div></div></div>	<div><div></div><div></div><div></div><div></div></div>	<div><div></div><div></div></div> <div><div></div><div></div></div>	Large Medium
<div><div></div><div></div></div>	<div><div></div><div></div><div></div><div></div></div>	<div><div></div><div></div></div> <div><div></div><div></div></div>	Giant

OTHER LARGE PELAGICS

NUMBER	WEIGHT	PRICE/LB	
<div><div></div><div></div></div>	<div><div></div><div></div><div></div><div></div></div>	<div><div></div><div></div></div> <div><div></div><div></div></div>	Marlin/Other tuna SPECIFY _____
<div><div></div><div></div></div>	<div><div></div><div></div><div></div><div></div></div>	<div><div></div><div></div></div> <div><div></div><div></div></div>	Shark
<div><div></div><div></div></div>	<div><div></div><div></div><div></div><div></div></div>	<div><div></div><div></div></div> <div><div></div><div></div></div>	Other large Pelagics SPECIFY _____

D) Was that trip on a private boat with you as captain (1), on a private boat as a passenger (2), or on a party/charter boat as a passenger (3), don't know (8), refused (9)?

E) What were your personal expenditures on lodging and meals on that fishing trip?

# BLUEFIN TUNA AND ASSOCIATED SPECIES BIOLOGICAL SAMPLING QUESTIONNAIRE

1. INTERVIEWER CODE  2. INTERVIEW DATE  3. INTERVIEW TIME  (USE 24 HOUR CLOCK)

4. STATE CODE  5. CONTROL NUMBER  6. DOCUMENT NUMBER  7. SITE NUMBER

## 8. What type of fishing gear was primarily used?

- 1  Rod and Reel  
2  Handline  
3  Other (SPECIFY) \_\_\_\_\_

## 9a. Were you participating in a tournament today?

- 1  Yes  
2  No

## 9b. In what type of tournament were you participating?

- 1  Tuna  
2  Shark  
3  Billfish  
4  Other (SPECIFY) \_\_\_\_\_

## 10. Did any of the fish that you caught show any evidence of previous capture?

(IF "NO" THEN PROCEED TO RECORDING FISH DATA BELOW;  
IF "YES" THEN ASK Q.11)

- 1  Hook or Hook and Leader  
2  Lesions on the Fish  
3  Scars that can't be Identified as Shark Bites  
4  Tags or Tag Marks

## 11. How would you characterize the condition of the fish that showed evidence of previous capture?

- 1  Unhealthy: Apparent Visible Injury, Unrelated to Current Capture  
2  Visible Hook Holes not Related to Current Capture  
3  Fish is Apparently Healthy

INTERVIEWER: Record species code(s) for all fish that show signs of previous capture: \_\_\_\_\_; \_\_\_\_\_; \_\_\_\_\_; \_\_\_\_\_; \_\_\_\_\_; \_\_\_\_\_; \_\_\_\_\_; \_\_\_\_\_;

## SPECIES CODES:

BFT-Young School (1-655 mm) 4673  
BFT-School (656-1145 mm) 4677  
BFT-Large School (1146-1445 mm) 4678  
BFT-Small Medium (1446-1785 mm) 4676  
BFT-Large Medium (1786-1955 mm) 4679  
BFT-Giant (1956+ mm) 4671  
Albacore 4701  
Amberjack 0030

Skipjack 4661  
Yellowfin 4711  
Bigeye 4691  
White Marlin 2161  
Blue Marlin 2171  
Sailfish 3026  
Sandbar Shark 4821

Blue Shark 4931  
Common Thresher 3531  
Bigeye Thresher 3541  
Shortfin Mako 3551  
Longfin Mako 3581  
Dusky Shark 4841  
Hammerhead 4951

Little Tunny 4681  
Atlantic Bonito 0330  
King Mackerel 1940  
Wahoo 4720

Other Shark \_\_\_\_\_

Other L.P. \_\_\_\_\_

	SPECIES CODE	LENGTH (mm)		WEIGHT (ROUND TO NEAREST ½ kg)		HALF GIRTH (mm)	SEX	HEART CAUDAL GONAD		
		STRAIGHT	CURVED	WHOLE	DRESSED			MUSCLE	OTOLITH	
1. _____	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/> M <input type="text"/> F	<input type="text"/>	<input type="text"/>	<input type="text"/>
2. _____	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/> M <input type="text"/> F	<input type="text"/>	<input type="text"/>	<input type="text"/>

INTERVIEWER: Did you record data for sampled fish on the backside or second page of this individual intercept form?

YES

NO

		SPECIES CODE	LENGTH (mm)		WEIGHT (ROUND TO NEAREST 1/2 kg)		HALF GIRTH (mm)	SEX	HEART	CAUDAL	GONAD
			STRAIGHT	CURVED	WHOLE	DRESSED			MUSCLE	OTOLITH	
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LARGE PELAGIC OBSERVER SURVEY QUESTIONNAIRE AND CODING FORM

1. INTERVIEW CODE

2. INTERVIEW DATE (MO/ DAY)

3. CONTROL NUMBER

4. STATE CODE

5. SITE NUMBER

6. INTERVIEW TIME

(USE 24 HOUR CLOCK)

8. SITE NAME

9. FISHING LOCATIONS  
(USE LIST/MAP PROVIDED)

10. Captain’s Name

11. Captain’s Phone Number

16. How many hours were the lines in the water with  
or without fish on them?

12. What is the name of the boat?

No Name

13a. Does your boat have a NMFS HMS/ Atlantic tuna permit number?

1

 Yes

2

 No > GO to Q14

3

 Don’t know > GO to Q14

4

 Refused > GO to Q14

13b.What is your boat’s NMFS HMS/ Atlantic tuna permit number?

14. What species or species group was the vessel primarily fishing for today?

1

 Tuna (Not Blue fin)

2

 Shark

3

 Small Bluefin Tuna

4

 Medium Bluefin Tuna

5

 Giant Bluefin Tuna

6

 Marlin

7

 Other Large Pelagic (Specify)

15. How many fishing lines were used on average today?

17. How many people were actively fishing for large  
game fish such as tunas, billfish, sharks,  
mahi mahi, amberjack, or wahoo in open ocean?

18. How many miles were you offshore?

19. Did anglers in your boat catch any tuna, billfish,  
sharks, or other large pelagics today?

1

 Yes

2

 No

20. Is there a page 2?

1

 Yes

2

 No

21. Is there a page 3?

1

 Yes

2

 No

22. Departure time

23. Return Time

IF YES TO Q19, ASK: What species were caught?





INTERVIEWER, PLEASE RE-RECORD THE FOLLOWING INFORMATION FROM THE FIRST PAGE

2. INTERVIEW DATE (MO/ DAY)

3. CONTROL NUMBER

4. STATE CODE

Species / Size Category														Species Code	Number Kept		Number Released				Number to Sell																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																			
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**INTERVIEWER, PLEASE RE-RECORD THE FOLLOWING INFORMATION FROM THE FIRST PAGE**

2. INTERVIEW DATE (MO/ DAY) 

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      3. CONTROL NUMBER 

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      4. STATE CODE 

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[illegible]

## § 635.6

## 50 CFR Ch. VI (10–1–01 Edition)

made, kept, or furnished. An owner or operator of a fishing vessel that has been issued a permit under § 635.4 must allow NMFS or an authorized person to inspect and copy any required reports and the records, in any form, on which the completed reports are based, whenever they exist. An agent of a person issued a vessel or dealer permit under this part, or anyone responsible for off-loading, storing packing, or selling regulated HMS for such permittee, shall be subject to the inspection provisions of this section.

(f) *Additional data and inspection.* Additional data on fishing effort directed at Atlantic HMS or on catch of Atlantic HMS, regardless of whether retained, may be collected by contractors and statistical reporting agents, as designees of NMFS, and by authorized officers. A person issued a permit under § 635.4 is required to provide requested information about fishing activity, and a person, regardless of whether issued a permit under § 635.4, who possesses an Atlantic HMS is required to make such fish or parts thereof available for inspection by NMFS or its designees upon request.

[64 FR 29135, May 28, 1999, as amended at 64 FR 37704, July 13, 1999; 66 FR 30653, June 7, 2001; 66 FR 42804, Aug. 15, 2001]

### § 635.6 Vessel and gear identification.

(a) *Vessel number.* For the purposes of this section, a vessel's number is the vessel's official number issued by either by the U.S. Coast Guard or by the appropriate state agency.

(b) *Vessel identification.* (1) An owner or operator of a vessel for which a permit has been issued under § 635.4, other than a permit for the Atlantic tunas Angling category, must display the vessel number—

(i) On the port and starboard sides of the deckhouse or hull and on an appropriate weather deck, so as to be clearly visible from an enforcement vessel or aircraft.

(ii) In block arabic numerals permanently affixed to or painted on the vessel in contrasting color to the background.

(iii) At least 18 inches (45.7 cm) in height for vessels over 65 ft (19.8 m) in length; at least 10 inches (25.4 cm) in height for all other vessels over 25 ft

(7.6 m) in length; and at least 3 inches (7.6 cm) in height for vessels 25 ft (7.6 m) in length or less.

(2) The owner or operator of a vessel for which a permit has been issued under § 635.4 must keep the vessel's number clearly legible and in good repair and ensure that no part of the vessel, its rigging, its fishing gear, or any other material on board obstructs the view of the vessel's number from an enforcement vessel or aircraft.

(c) *Gear identification.* (1) The owner or operator of a vessel for which a permit has been issued under § 635.4 and that uses a handline, harpoon, longline, or gillnet, must display the vessel's name, registration number or Atlantic Tunas permit number on each float attached to a handline or harpoon and on the terminal floats and high-flyers (if applicable) on a longline or gillnet used by the vessel. The vessel's name or number must be at least 1 inch (2.5 cm) in height in block letters or arabic numerals in a color that contrasts with the background color of the float or high-flyer.

(2) An unmarked handline, harpoon, longline, or gillnet, is illegal and may be disposed of in an appropriate manner by NMFS or an authorized officer.

(3) In addition to gear marking requirements in this paragraph (c)(1), provisions on gear marking for the southeast U.S. shark gillnet fishery to implement the Atlantic Large Whale Take Reduction Plan are set forth in § 229.32(b) of this title.

[64 FR 29135, May 28, 1999, as amended at 66 FR 42804, Aug. 15, 2001]

### § 635.7 At-sea observer coverage.

(a) *Applicability.* NMFS may select for observer coverage any vessel that has an Atlantic HMS, tunas, shark or swordfish permit issued under § 635.4. Vessels permitted in the HMS Charter/Headboat and Atlantic Tunas Angling and Charter/Headboat categories will be requested to take observers on a voluntary basis. When selected, vessels issued any other permit under § 635.4 are required to take observers on a mandatory basis.

(b) *Selection of vessels.* NMFS will notify a vessel owner, in writing, when his or her vessel is selected for observer coverage. Vessels will be selected to

## Sec. 971. Definitions

For the purpose of this chapter -

- (1) The term "Convention" means the International Convention for the Conservation of Atlantic Tunas, signed at Rio de Janeiro May 14, 1966, including any amendments or protocols which are or become effective for the United States.
- (2) The term "Commission" means the International Commission for the Conservation of Atlantic Tunas provided for in article III of the Convention.
- (3) The term "conservation recommendation" means any recommendation of the Commission made pursuant to Article VIII of the Convention and acted upon favorably by the Secretary of State under section [971c](#)(a) of this title.
- (4) The term "Council" means the Council established within the International Commission for the Conservation of Atlantic Tunas pursuant to article V of the Convention.
- (5) The term "exclusive economic zone" means an exclusive economic zone as defined in section [1802](#) of this title.
- (6) The term "fishing" means the catching, taking, or fishing for or the attempted catching, taking, or fishing for any species of fish covered by the Convention, or any activities in support thereof.
- (7) The term "fishing vessel" means any vessel engaged in catching fish or processing or transporting fish loaded on the high seas, or any vessel outfitted for such activities.
- (8) The term "Panel" means any panel established by the Commission pursuant to article VI of the Convention.
- (9) The term "person" means every individual, partnership, corporation, and association subject to the jurisdiction of the

United States.

- (10) The term "Secretary" means the Secretary of Commerce.
- (11) The term "State" includes each of the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

## Sec. 971a. Commissioners

- (a) Appointment and number; selection of Chairman; rules of procedure; term
  - (1) The United States shall be represented by not more than three Commissioners who shall serve as delegates of the United States on the Commission, and who may serve on the Council and Panels of the Commission as provided for in the Convention. Such Commissioners shall be appointed by and serve at the pleasure of the President. Not more than one such Commissioner shall be a salaried employee of any State or political subdivision thereof, or the Federal Government. Individuals serving as such Commissioners shall not be considered to be Federal employees while performing such service, except for purposes of injury compensation or tort claims liability as provided in chapter [81](#) of title 5 and chapter [171](#) of title 28. The Commissioners shall be entitled to select a Chairman and to adopt such rules of procedure as they find necessary.
  - (2) Of the Commissioners appointed under paragraph (1) who are not governmental employees -
    - (A) one shall be appointed from among individuals with knowledge and experience regarding commercial fishing in the Atlantic Ocean, Gulf of Mexico, or Caribbean Sea; and
    - (B) one shall be appointed from among individuals with knowledge and experience regarding recreational fishing in the Atlantic Ocean, Gulf of Mexico, or Caribbean Sea.
  - (3)
    - (A) The term of a Commissioner shall be three years.
    - (B) An individual appointed in accordance with paragraph (2) shall not be eligible to serve more than two consecutive terms as a Commissioner.
- (b) Alternate Commissioners

The Secretary of State, in consultation with the Secretary, may designate from time to time and for periods of time deemed appropriate Alternate United States Commissioners to the Commission. Any Alternate United States Commissioner may exercise at any meeting of the Commission, Council, any Panel, or the advisory committee established pursuant to section [971b](#) of this title, all powers and duties of a United States Commissioner in the absence of any Commissioner appointed pursuant to subsection (a) of this section for whatever reason. The number of such Alternate United States Commissioners that may be designated for any such meeting shall be limited to the number of United States Commissioners appointed pursuant to subsection (a) of this section who will not be present at such meeting.
- (c) Compensation

The United States Commissioners or Alternate Commissioners, although officers of the United States while so serving, shall receive no compensation for their services as such Commissioners

or Alternate Commissioners.

- (d) Travel expenses
  - (1) The Secretary of State shall pay the necessary travel expenses of United States Commissioners, Alternate United States Commissioners, and authorized advisors in accordance with the Federal Travel Regulations and sections [5701](#), [5702](#), 5704 through 5708, and 5731 of title 5.
  - (2) The Secretary may reimburse the Secretary of State for amounts expended by the Secretary of State under this subsection.

**Sec. 971b. Advisory committee**

- (a) There is established an advisory committee which shall be composed of -
  - (1) not less than five nor more than twenty individuals appointed by the United States Commissioners who shall select such individuals from the various groups concerned with the fisheries covered by the Convention; and
  - (2) the chairmen (or their designees) of the New England, Mid-Atlantic, South Atlantic, Caribbean, and Gulf Fishery Management Councils established under section 302(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(a)). Each member of the advisory committee appointed under paragraph (1) shall serve for a term of two years and shall be eligible for reappointment. Members of the advisory committee may attend all public meetings of the Commission, Council, or any Panel and any other meetings to which they are invited by the Commission, Council, or any Panel. The advisory committee shall be invited to attend all nonexecutive meetings of the United States Commissioners and at such meetings shall be given opportunity to examine and to be heard on all proposed programs of investigation, reports, recommendations, and regulations of the Commission. Members of the advisory committee shall receive no compensation for their services as such members. The Secretary and the Secretary of State may pay the necessary travel expenses of members of the advisory committee in accordance with the Federal Travel Regulations and sections [5701](#), [5702](#), 5704 through 5708, and 5731 of title 5.
- (b)
  - (1) A majority of the members of the advisory committee shall constitute a quorum, but one or more such members designated by the advisory committee may hold meetings to provide for public participation and to discuss measures relating to the United States implementation of Commission recommendations.
  - (2) The advisory committee shall elect a Chairman for a 2-year term from among its members.
  - (3) The advisory committee shall meet at appropriate times and places at least twice a year, at the call of the Chairman or upon the request of the majority of its voting members, the United States Commissioners, the Secretary, or the Secretary of State. Meetings of the advisory committee, except when in executive session, shall be open to the public, and prior notice of meetings shall be made public in a timely fashion.
  - (4)
    - (A) The Secretary shall provide to the advisory committee in a timely manner such administrative and technical support services as are necessary for the effective functioning of the committee.
    - (B) The Secretary and the Secretary of State shall furnish the advisory committee

with relevant information concerning fisheries and international fishery agreements.

- (5) The advisory committee shall determine its organization, and prescribe its practices and procedures for carrying out its functions under this chapter, the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), and the Convention. The advisory committee shall publish and make available to the public a statement of its organization, practices, and procedures.
- (6) The advisory committee shall, to the maximum extent practicable, consist of an equitable balance among the various groups concerned with the fisheries covered by the Convention and shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

**Sec. 971b-1. Species working groups**

The United States Commissioners may establish species working groups for the purpose of providing advice and recommendations to the Commissioners and the advisory committee on matters relating to the conservation and management of any highly migratory species covered by the Convention. Any species working group shall consist of no more than seven members of the advisory committee and no more than four scientific or technical personnel, as considered necessary by the Commissioner.

**Sec. 971c. Authority of Secretary of State; cooperative enforcement agreements**

- (a) Recommendations from Commission

The Secretary of State is authorized to receive on behalf of the United States, reports, requests, and other communications of the Commission, and to act thereon directly or by reference to the appropriate authorities. The Secretary of State, with the concurrence of the Secretary and, for matters relating to enforcement, the Secretary of the department in which the Coast Guard is operating, is authorized to take appropriate action on behalf of the United States with regard to recommendations received from the Commission pursuant to article VIII of the Convention. The Secretary and, when appropriate, the Secretary of the department in which the Coast Guard is operating, shall inform the Secretary of State as to what action he considers appropriate within five months of the date of the notification of the recommendation from the Commission, and again within forty-five days of the additional sixty-day period provided by the Convention if any objection is presented by another contracting party to the Convention, or within thirty days of the date of the notification of an objection made within the additional sixty-day period, whichever date shall be the later. After any notification from the Commission that an objection of the United States is to be considered as having no effect, the Secretary shall inform the Secretary of State as to what action he considers appropriate within forty-five days of the sixty-day period provided by the Convention for reaffirming objections. The Secretary of State shall take steps under the Convention to insure that a recommendation pursuant to article VIII of the Convention does not become effective for the United States prior to its becoming effective for all contracting parties conducting fisheries affected by such recommendation on a meaningful scale in terms of their effect upon the success of the conservation program, unless he determines, with the concurrence of the Secretary, and, for matters relating to enforcement, the Secretary of the department in which the Coast Guard is operating, that the purposes of the Convention would be served by allowing a recommendation to take effect for the United States at some earlier time.

- (b) Enforcement agreements

The Secretary of State, in consultation with the Secretary and the Secretary of the department in which the Coast Guard is operating, is authorized to enter into agreements with any contracting party, pursuant to paragraph 3 of article IX of the Convention, relating to cooperative enforcement of the provisions of the Convention, recommendations in force for the United States and such party or parties under the Convention, and regulations adopted by the United States and such contracting party or parties pursuant to recommendations of the Commission. Such agreements may authorize personnel of the United States to enforce measures under the Convention and under regulations of another party with respect to persons under that party's jurisdiction, and may authorize personnel of another party to enforce measures under the Convention and under United States regulations with respect to persons subject to the jurisdiction of the United States. Enforcement under such an agreement may not take place within the territorial seas or exclusive economic zone of the United States. Such agreements shall not subject persons or vessels under the jurisdiction of the United States to prosecution or assessment of penalties by any court or

tribunal of a foreign country.

## Sec. 971d. Administration

- (a) Regulations; cooperation with other parties to Convention; utilization of personnel, services, and facilities for enforcement

The Secretary is authorized and directed to administer and enforce all of the provisions of the Convention, this chapter, and regulations issued pursuant thereto, except to the extent otherwise provided for in this chapter. In carrying out such functions the Secretary is authorized and directed to adopt such regulations as may be necessary to carry out the purposes and objectives of the Convention and this chapter, and with the concurrence of the Secretary of State, he may cooperate with the duly authorized officials of the government of any party to the Convention. In addition, the Secretary may utilize, with the concurrence of the Secretary of the department in which the Coast Guard is operating insofar as such utilization involves enforcement at sea, with or without reimbursement and by agreement with any other Federal department or agency, or with any agency of any State, the personnel, services, and facilities of that agency for enforcement purposes with respect to any vessel in the exclusive economic zone, or wherever found, with respect to any vessel documented under the laws of the United States, and any vessel numbered or otherwise licensed under the laws of any State. When so utilized, such personnel of the States of the United States are authorized to function as Federal law enforcement agents for these purposes, but they shall not be held and considered as employees of the United States for the purposes of any laws administered by the Director of the Office of Personnel Management.

- (b) Primary enforcement responsibility

Enforcement activities at sea under the provisions of this chapter for fishing vessels subject to the jurisdiction of the United States shall be primarily the responsibility of the Secretary of the department in which the Coast Guard is operating, in cooperation with the Secretary and the United States Customs Service. The Secretary after consultation with the Secretary of the department in which the Coast Guard is operating, shall adopt such regulations as may be necessary to provide for procedures and methods of enforcement pursuant to article IX of the Convention.

- (c) Regulations and other measures to carry out Commission recommendations

- (1)

- (A) Upon favorable action by the Secretary of State under section [971c](#)(a) of this title on any recommendation of the Commission made pursuant to article VIII of the Convention, the Secretary shall promulgate, pursuant to this subsection, such regulations as may be necessary and appropriate to carry out such recommendation.
- (B) Not later than June 30, 1991, the Secretary shall promulgate any additional regulations necessary to ensure that the United States is in full compliance with all recommendations

made by the Commission that have been accepted by the United States and with other agreements under the Convention between the United States and any nation which is a party to the Convention.

- (C) Regulations promulgated under this paragraph shall, to the extent practicable, be consistent with fishery management plans prepared and implemented under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).
- (2) To promulgate regulations referred to in paragraph (1) of this subsection, the Secretary shall publish in the Federal Register a general notice of proposed rulemaking and shall afford interested persons an opportunity to participate in the rulemaking through (A) submission of written data, views, or arguments, and (B) oral presentation at a public hearing. Such regulations shall be published in the Federal Register and shall be accompanied by a statement of the considerations involved in the issuance of the regulations, and by a statement, based on inquiries and investigations, assessing the nature and effectiveness of the measures for the implementation of the Commission's recommendations which are being or will be carried out by countries whose vessels engage in fishing the species subject to such recommendations within the waters to which the Convention applies. After publication in the Federal Register, such regulations shall be applicable to all vessels and persons subject to the jurisdiction of the United States on such date as the Secretary shall prescribe. The Secretary shall suspend at any time the application of any such regulation when, after consultation with the Secretary of State and the United States Commissioners, he determines that fishing operations in the Convention area of a contracting party for whom the regulations are effective are such as to constitute a serious threat to the achievement of the Commission's recommendations.
- (3) The regulations required to be promulgated under paragraph (1) of this subsection may -
  - (A) select for regulation one or more of the species covered by the Convention;
  - (B) divide the Convention waters into areas;
  - (C) establish one or more open or closed seasons as to each such area;
  - (D) limit the size of the fish and quantity of the catch which may be taken from each area within any season during which fishing is allowed;
  - (E) limit or prohibit the incidental catch of a regulated species which may be retained, taken, possessed, or landed by vessels or persons fishing for other species of fish;
  - (F) require records of operations to be kept by any master or other person in charge of any fishing vessel;
  - (G) require such clearance certificates for vessels as may be necessary to carry out the purposes of the Convention and this chapter;
  - (H) require proof satisfactory to the Secretary that any fish subject to regulation pursuant to a recommendation of the

Commission offered for entry into the United States has not been taken or retained contrary to the recommendations of the Commission made pursuant to article VIII of the Convention which have been adopted as regulations pursuant to this section;

- (I) require any commercial or recreational fisherman to obtain a permit from the Secretary and report the quantity of the catch of a regulated species;
  - (J) require that observers be carried aboard fishing vessels for the purpose of providing statistically reliable scientific data; and
  - (K) impose such other requirements and provide for such other measures as the Secretary may determine necessary to implement any recommendation of the Convention or to obtain scientific data necessary to accomplish the purpose of the Convention; except that no regulation promulgated under this section may have the effect of increasing or decreasing any allocation or quota of fish or fishing mortality level to the United States agreed to pursuant to a recommendation of the Commission.
- (4) Upon the promulgation of regulations provided for in paragraph (3) of this subsection, the Secretary shall promulgate, with the concurrence of the Secretary of State and pursuant to the procedures prescribed in paragraph (2) of this subsection, additional regulations which shall become effective simultaneously with the application of the regulations provided for in paragraph (3) of this subsection, which prohibit -
    - (A) the entry into the United States of fish in any form of those species which are subject to regulation pursuant to a recommendation of the Commission and which were taken from the Convention area in such manner or in such circumstances as would tend to diminish the effectiveness of the conservation recommendations of the Commission; and
    - (B) the entry into the United States, from any country when the vessels of such country are being used in the conduct of fishing operations in the Convention area in such manner or in such circumstances as would tend to diminish the effectiveness of the conservation recommendations of the Commission, of fish in any form of those species which are subject to regulation pursuant to a recommendation of the Commission and which were taken from the Convention area.
  - (5) In the case of repeated and flagrant fishing operations in the Convention area by the vessels of any country which seriously threaten the achievement of the objectives of the Commission's recommendations, the Secretary with the concurrence of the Secretary of State, may by regulations promulgated pursuant to paragraph (2) of this subsection prohibit the entry in any form from such country of other species covered by the Convention as may be under investigation

by the Commission and which were taken in the Convention area. Any such prohibition shall continue until the Secretary is satisfied that the condition warranting the prohibition no longer exists, except that all fish in any form of the species under regulation which were previously prohibited from entry shall continue to be prohibited from entry.

- (6) Identification and notification. -
  - (A) Not later than July 1, 1996, and annually thereafter, the Secretary, in consultation with the Secretary of State, the Commissioners, and the advisory committee, shall -
    - (i) identify those nations whose fishing vessels are fishing, or have fished during the preceding calendar year, within the convention area in a manner or under circumstances that diminish the effectiveness of a conservation recommendation;
    - (ii) notify the President and the nation so identified, including an explanation of the reasons therefor; and
    - (iii) publish a list of those Nations identified under clause
      - () notify the President and the nation so identified,
    - (B) In identifying those Nations, the Secretary shall consider, based on the best available information, whether those Nations have measures in place for reporting, monitoring, and enforcement, and whether those measures diminish the effectiveness of any conservation recommendation.
  - (7) Consultation. - Not later than 30 days after a Nation is notified under paragraph (6), the President may enter into consultations with the Government of that Nation for the purpose of obtaining an agreement that will -
    - (A) effect the immediate termination and prevent the resumption of any fishing operation by vessels of that Nation within the Convention area which is conducted in a manner or under circumstances that diminish the effectiveness of the conservation recommendation;
    - (B) when practicable, require actions by that Nation, or vessels of that Nation, to mitigate the negative impacts of fishing operations on the effectiveness of the conservation recommendation involved, including but not limited to, the imposition of subsequent-year deductions for quota overages; and
    - (C) result in the establishment, if necessary, by such Nation of reporting, monitoring, and enforcement measures that are adequate to ensure the effectiveness of conservation recommendations.
- (d) Recommended Commission actions regarding large-scale driftnet fishing and conservation of Atlantic swordfish
  - (1) It is the sense of the Congress that the Secretary, in consultation with the Secretary of

State, should seek support for a recommendation by the Commission to ban large-scale driftnet fishing (as that term is defined in section [3\(16\)](#) [11](#) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802(16))) in the Convention area.

- (2) The Secretary, in consultation with the Secretary of State, shall request the Commission to adopt recommendations necessary for the conservation and management of Atlantic swordfish. In making the request, the Secretary shall seek the establishment of an international minimum harvest size and a reduction in harvest levels to the extent necessary to conserve the stock. Until the Commission adopts all the conservation and management measures requested by the Secretary, the Secretary, within 3 months after each annual meeting of the Commission, shall notify Congress as to the nature and results of his request. These notifications shall identify those nations not acting to conserve and manage Atlantic swordfish, and recommend measures which could be taken to achieve effective international conservation and management of the stock.
-

## Sec. 971e. Violations

- (a) In general

It shall be unlawful -

- (1) for any person in charge of a fishing vessel or any fishing vessel subject to the jurisdiction of the United States to engage in fishing in violation of any regulation adopted pursuant to section [971d](#) of this title; or
- (2) for any person subject to the jurisdiction of the United States to ship, transport, purchase, sell, offer for sale, import, export, or have in custody, possession, or control any fish which he knows, or should have known, were taken or retained contrary to the recommendations of the Commission made pursuant to article VIII of the Convention and adopted as regulations pursuant to section [971d](#) of this title, without regard to the citizenship of the person or vessel which took the fish.

- (b) Failure to furnish returns, records, or reports

It shall be unlawful for the master or any person in charge of any fishing vessel subject to the jurisdiction of the United States to fail to make, keep, or furnish any catch returns, statistical records, or other reports as are required by regulations adopted pursuant to this chapter to be made, kept, or furnished by such master or person.

- (c) Refusal of request to board and inspect vessel

It shall be unlawful for the master or any person in charge of any fishing vessel subject to the jurisdiction of the United States to refuse to permit any person authorized to enforce the provisions of this chapter and any regulations adopted pursuant thereto, to board such vessel and inspect its catch, equipment, books, documents, records, or other articles or question the persons onboard in accordance with the provisions of this chapter, or the Convention, as the case may be, or to obstruct such officials in the execution of such duties.

- (d) Importation of ineligible species or species under investigation

It shall be unlawful for any person to import, in violation of any regulation adopted pursuant to section [971d](#)(c) or (d) (FOOTNOTE 1) of this title, from any country, any fish in any form of those species subject to regulation pursuant to a recommendation of the Commission, or any fish in any form not under regulation but under investigation by the Commission, during the period such fish have been denied entry in accordance with the provisions of section [971d](#)(c) or (d) [11](#) of this title. In the case of any fish as described in this subsection offered for entry in the United States, the Secretary shall require proof satisfactory to him that such fish is not ineligible for such

entry under the terms of section [971d](#)(c) or (d) [\[1\]](#) of this title.

- (e) Sanctions

The civil penalty and permit sanctions of section [1858](#) of this title are hereby made applicable to violations of this section as if they were violations of section [1857](#) of this title.

- (f) Forfeiture

All fish taken or retained in violation of subsection (a) of this section, or the monetary value thereof, may be forfeited.

- (g) Applicability of other laws

All provisions of law relating to the seizure, judicial forfeiture, and condemnation of a cargo for violation of the customs laws, the disposition of such cargo or the proceeds from the sale thereof, and the remission or mitigation of such forfeitures shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this chapter, insofar as such provisions of law are applicable and not inconsistent with the provisions of this chapter.

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## Footnotes

[\[1\]](#) See References in Text note below.

## Sec. 971f. Enforcement

- (a) Particular powers

Any person authorized in accordance with the provisions of this chapter to enforce the provisions of this chapter and the regulations issued thereunder may -

- (1) with or without a warrant, board any vessel subject to the jurisdiction of the United States and inspect such vessel and its catch and, if as a result of such inspection, he has reasonable cause to believe that such vessel or any person on board is engaging in operations in violation of this chapter or any regulations issued thereunder, he may, with or without a warrant or other process, arrest such person;
- (2) arrest, with or without a warrant, any person who violates the provisions of this chapter or any regulation issued thereunder in his presence or view;
- (3) execute any warrant or other process issued by an officer or court of competent jurisdiction; and
- (4) seize, whenever and wherever lawfully found, all fish taken or retained by a vessel subject to the jurisdiction of the United States in violation of the provisions of this chapter or any regulations issued pursuant thereto. Any fish so seized may be disposed of pursuant to an order of a court of competent jurisdiction, or, if perishable, in a manner prescribed by regulation of the Secretary.

- (b) International enforcement

To the extent authorized under the convention or by agreements between the United States and any contracting party concluded pursuant to section [971c](#)(b) of this title for international enforcement, the duly authorized officials of such party shall have the authority to carry out the enforcement activities specified in subsection (a) of this section with respect to persons or vessels subject to the jurisdiction of the United States, and the officials of the United States authorized pursuant to this section shall have the authority to carry out the enforcement activities specified in subsection (a) of this section with respect to persons or vessels subject to the jurisdiction of such party, except that where any agreement provides for arrest or seizure of persons or vessels under United States jurisdiction it shall also provide that the person or vessel arrested or seized shall be promptly handed over to a United States enforcement officer or another authorized United States official.

- (c) Bonds or stipulations

Notwithstanding the provisions of section [2464](#) of title 28, when a warrant of arrest or other process in rem is issued in any cause under this section, the marshal or other officer shall stay the

execution of such process, or discharge any fish seized if the process has been levied, on receiving from the claimant of the fish a bond or stipulation for the value of the property with sufficient surety to be approved by a judge of the district court having jurisdiction of the offense, conditioned to deliver the fish seized, if condemned, without impairment in value or, in the discretion of the court, to pay its equivalent value in money or otherwise to answer the decree of the court in such cause. Such bond or stipulation shall be returned to the court and judgment thereon against both the principal and sureties may be recovered in event of any breach of the conditions thereof as determined by the court. In the discretion of the accused, and subject to the direction of the court, the fish may be sold for not less than its reasonable market value at the time of seizure and the proceeds of such sale placed in the registry of the court pending judgment in the case.

**Sec. 971g. Cooperation in carrying out Convention**

- (a) Federal and State agencies; private institutions and organizations

The United States Commissioners, through the Secretary of State and with the concurrence of the agency, institution, or organization concerned, may arrange for the cooperation of agencies of the United States Government, and of State and private institutions and organizations in carrying out the provisions of article IV of the Convention.

- (b) Scientific and other programs; facilities and personnel

All agencies of the Federal Government are authorized, upon the request of the Commission, to cooperate in the conduct of scientific and other programs, and to furnish facilities and personnel for the purpose of assisting the Commission in carrying out its duties under the Convention.

- (c) Fishing operations and biological experiments

None of the prohibitions deriving from this chapter, or contained in the laws or regulations of any State, shall prevent the Commission from conducting or authorizing the conduct of fishing operations and biological experiments at any time for purposes of scientific investigation, or shall prevent the Commission from discharging any other duties prescribed by the Convention.

- (d) State jurisdiction; preemption by Federal regulations

- (1) Except as provided in paragraph (2) of this subsection, nothing in this chapter shall be construed so as to diminish or to increase the jurisdiction of any State in the territorial sea of the United States.
- (2) In the event a State does not request a formal hearing and after notice by the Secretary, the regulations promulgated pursuant to this chapter to implement recommendations of the Commission shall apply within the boundaries of any State bordering on any Convention area if the Secretary determines that any such State -
  - (A) has not, within a reasonable period of time after the promulgation of regulations pursuant to this chapter, enacted laws or promulgated regulations which implement any such recommendation of the Commission within the boundaries of such State; or
  - (B) has enacted laws or promulgated regulations which (i) are less restrictive than the regulations promulgated pursuant to this chapter, or (ii) are not effectively enforced. If a State requests the opportunity for an agency hearing on the record, the Secretary shall not apply regulations promulgated pursuant to this chapter within that State's boundaries unless the hearing record supports a determination under paragraph (A) or (B). Such regulations shall apply until the Secretary determines that the State is effectively enforcing within its boundaries measures which are not less restrictive than such

regulations.

- (e) Continuing review of State laws and regulations

To insure that the purposes of subsection (d) of this section are carried out, the Secretary shall undertake a continuing review of the laws and regulations of all States to which subsection (d) of this section applies or may apply and the extent to which such laws and regulations are enforced.

# **Magnuson-Stevens Fishery Conservation and Management Act**

## **Public Law 94-265**

As amended through October 11, 1996

### **SEC. 303. CONTENTS OF FISHERY MANAGEMENT PLANS      16 U.S.C. 1853**

**95-354, 99-659, 101-627, 104-297**

**(a) REQUIRED PROVISIONS.**--Any fishery management plan which is prepared by any Council, or by the Secretary, with respect to any fishery, shall--

(1) contain the conservation and management measures, applicable to foreign fishing and fishing by vessels of the United States, which are--

(A) necessary and appropriate for the conservation and management of the fishery to prevent overfishing and rebuild overfished stocks, and to protect, restore, and promote the long-term health and stability of the fishery;

(B) described in this subsection or subsection (b), or both; and

(C) consistent with the national standards, the other provisions of this Act, regulations implementing recommendations by international organizations in which the United States participates (including but not limited to closed areas, quotas, and size limits), and any other applicable law;

(2) contain a description of the fishery, including, but not limited to, the number of vessels involved, the type and quantity of fishing gear used, the species of fish involved and their location, the cost likely to be incurred in management, actual and potential revenues from the fishery, any recreational interest in the fishery, and the nature and extent of foreign fishing and Indian treaty fishing rights, if any;

(3) assess and specify the present and probable future condition of, and the maximum sustainable yield and optimum yield from, the fishery, and include a summary of the information utilized in making such specification;

(4) assess and specify--

(A) the capacity and the extent to which fishing vessels of the United States, on an annual basis, will harvest the optimum yield specified under paragraph (3),

(B) the portion of such optimum yield which, on an annual basis, will not be harvested by fishing vessels of the United States and can be made available for foreign fishing, and

(C) the capacity and extent to which United States fish processors, on an annual basis, will process that portion of such optimum yield that will be harvested by fishing vessels of the United States;

(5) specify the pertinent data which shall be submitted to the Secretary with respect to commercial, recreational, and charter fishing in the fishery, including, but not limited to, information regarding the type and quantity of fishing gear used, catch by species in numbers of fish or weight thereof, areas in which fishing was engaged in, time of fishing, number of hauls, and the estimated processing capacity of, and the actual processing capacity utilized by, United States fish processors;

(6) consider and provide for temporary adjustments, after consultation with the Coast Guard and persons utilizing the fishery, regarding access to the fishery for vessels otherwise prevented from harvesting because of weather or other ocean conditions affecting the safe conduct of the fishery; except that the adjustment shall not adversely affect conservation efforts in other fisheries or discriminate among participants in the affected fishery;

(7) describe and identify essential fish habitat for the fishery based on the guidelines established by the Secretary under section 305(b)(1)(A), minimize to the extent practicable adverse effects on such habitat caused by fishing, and identify other actions to encourage the conservation and enhancement of such habitat;

(8) in the case of a fishery management plan that, after January 1, 1991, is submitted to the Secretary for review under section 304(a) (including any plan for which an amendment is submitted to the Secretary for such review) or is prepared by the Secretary, assess and specify the nature and extent of scientific data which is needed for effective implementation of the plan;

(9) include a fishery impact statement for the plan or amendment (in the case of a plan or amendment thereto submitted to or prepared by the Secretary after October 1, 1990) which shall assess, specify, and describe the likely effects, if any, of the conservation and management measures on--

(A) participants in the fisheries and fishing communities affected by the plan or amendment; and

(B) participants in the fisheries conducted in adjacent areas under the authority of another Council, after consultation with such Council and representatives of those participants;

(10) specify objective and measurable criteria for identifying when the fishery to which the plan applies is overfished (with an analysis of how the criteria were determined and the relationship of the criteria to the reproductive potential of stocks of fish in that fishery) and, in the case of a fishery which the Council or the Secretary has determined is approaching an overfished condition or is overfished, contain conservation and management measures to prevent overfishing or end overfishing and rebuild the fishery;

(11) establish a standardized reporting methodology to assess the amount and type of bycatch occurring in the fishery, and include conservation and management measures that, to the extent practicable and in the following priority--

(A) minimize bycatch; and

(B) minimize the mortality of bycatch which cannot be avoided;

(12) assess the type and amount of fish caught and released alive during recreational fishing under catch and release fishery management programs and the mortality of such fish, and include conservation and management measures that, to the extent practicable, minimize mortality and ensure the extended survival of such fish;

(13) include a description of the commercial, recreational, and charter fishing sectors which participate in the fishery and, to the extent practicable, quantify trends in landings of the managed fishery resource by the commercial, recreational, and charter fishing sectors; and

(14) to the extent that rebuilding plans or other conservation and management measures which reduce the overall harvest in a fishery are necessary, allocate any harvest restrictions or recovery benefits fairly and equitably among the commercial, recreational, and charter fishing sectors in the fishery.

**97-453, 99-659, 101-627, 102-251, 104-297**

**(b) DISCRETIONARY PROVISIONS.**--Any fishery management plan which is prepared by any Council, or by the Secretary, with respect to any fishery, may--

(1) require a permit to be obtained from, and fees to be paid to, the Secretary, with respect to--

(A) any fishing vessel of the United States fishing, or wishing to fish, in the exclusive economic zone [or special areas,]\* or for anadromous species or Continental Shelf fishery resources beyond such zone [or areas]\*;

(B) the operator of any such vessel; or

(C) any United States fish processor who first receives fish that are subject to the plan;

(2) designate zones where, and periods when, fishing shall be limited, or shall not be permitted, or shall be permitted only by specified types of fishing vessels or with specified types and quantities of fishing gear;

(3) establish specified limitations which are necessary and appropriate for the conservation and management of the fishery on the--

(A) catch of fish (based on area, species, size, number, weight, sex, bycatch, total biomass, or other factors);

(B) sale of fish caught during commercial, recreational, or charter fishing, consistent with any applicable Federal and State safety and quality requirements; and

(C) transshipment or transportation of fish or fish products under permits issued pursuant to section 204;

(4) prohibit, limit, condition, or require the use of specified types and quantities of fishing gear, fishing vessels, or equipment for such vessels, including devices which may be required to facilitate enforcement of the provisions of this Act;

(5) incorporate (consistent with the national standards, the other provisions of this Act, and any other applicable law) the relevant fishery conservation and management measures of the coastal States nearest to the fishery;

(6) establish a limited access system for the fishery in order to achieve optimum yield if, in developing such system, the Council and the Secretary take into account--

- (A) present participation in the fishery,
- (B) historical fishing practices in, and dependence on, the fishery,
- (C) the economics of the fishery,
- (D) the capability of fishing vessels used in the fishery to engage in other fisheries,
- (E) the cultural and social framework relevant to the fishery and any affected fishing communities, and
- (F) any other relevant considerations;

(7) require fish processors who first receive fish that are subject to the plan to submit data (other than economic data) which are necessary for the conservation and management of the fishery;

(8) require that one or more observers be carried on board a vessel of the United States engaged in fishing for species that are subject to the plan, for the purpose of collecting data necessary for the conservation and management of the fishery; except that such a vessel shall not be required to carry an observer on board if the facilities of the vessel for the quartering of an observer, or for carrying out observer functions, are so inadequate or unsafe that the health or safety of the observer or the safe operation of the vessel would be jeopardized;

(9) assess and specify the effect which the conservation and management measures of the plan will have on the stocks of naturally spawning anadromous fish in the region;

(10) include, consistent with the other provisions of this Act, conservation and management measures that provide harvest incentives for participants within each gear group to employ fishing practices that result in lower levels of bycatch or in lower levels of the mortality of bycatch;

(11) reserve a portion of the allowable biological catch of the fishery for use in scientific research; and

(12) prescribe such other measures, requirements, or conditions and restrictions as are determined to be necessary and appropriate for the conservation and management of the fishery.

**97-453, 104-297**

**(c) PROPOSED REGULATIONS.**--Proposed regulations which the Council deems necessary or appropriate for the purposes of--

(1) implementing a fishery management plan or plan amendment shall be submitted to the Secretary simultaneously with the plan or amendment under section 304; and

(2) making modifications to regulations implementing a fishery management plan or plan amendment may be submitted to the Secretary at any time after the plan or amendment is approved under section 304.

# Presidential Documents

**Title 3—****Executive Order 12962 of June 7, 1995****The President****Recreational Fisheries**

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in furtherance of the purposes of the Fish and Wildlife Act of 1956 (16 U.S.C. 742a-d, and e-j), the Fish and Wildlife Coordination Act (16 U.S.C. 661–666c), the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), and the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801–1882), and other pertinent statutes, and in order to conserve, restore, and enhance aquatic systems to provide for increased recreational fishing opportunities nationwide, it is ordered as follows:

**Section 1. Federal Agency Duties.** Federal agencies shall, to the extent permitted by law and where practicable, and in cooperation with States and Tribes, improve the quantity, function, sustainable productivity, and distribution of U.S. aquatic resources for increased recreational fishing opportunities by: (a) developing and encouraging partnerships between governments and the private sector to advance aquatic resource conservation and enhance recreational fishing opportunities;

(b) identifying recreational fishing opportunities that are limited by water quality and habitat degradation and promoting restoration to support viable, healthy, and, where feasible, self-sustaining recreational fisheries;

(c) fostering sound aquatic conservation and restoration endeavors to benefit recreational fisheries;

(d) providing access to and promoting awareness of opportunities for public participation and enjoyment of U.S. recreational fishery resources;

(e) supporting outreach programs designed to stimulate angler participation in the conservation and restoration of aquatic systems;

(f) implementing laws under their purview in a manner that will conserve, restore, and enhance aquatic systems that support recreational fisheries;

(g) establishing cost-share programs, under existing authorities, that match or exceed Federal funds with nonfederal contributions;

(h) evaluating the effects of Federally funded, permitted, or authorized actions on aquatic systems and recreational fisheries and document those effects relative to the purpose of this order; and

(i) assisting private landowners to conserve and enhance aquatic resources on their lands.

**Sec. 2. National Recreational Fisheries Coordination Council.** A National Recreational Fisheries Coordination Council (“Coordination Council”) is hereby established. The Coordination Council shall consist of seven members, one member designated by each of the following Secretaries—Interior, Commerce, Agriculture, Energy, Transportation, and Defense—and one by the Administrator of the Environmental Protection Agency. The Coordination Council shall: (a) ensure that the social and economic values of healthy aquatic systems that support recreational fisheries are considered by Federal agencies in the course of their actions;

(b) reduce duplicative and cost-inefficient programs among Federal agencies involved in conserving or managing recreational fisheries;

(c) share the latest resource information and management technologies to assist in the conservation and management of recreational fisheries;

(d) assess the implementation of the Conservation Plan required under section 3 of this order; and

(e) develop a biennial report of accomplishments of the Conservation Plan.

The representatives designated by the Secretaries of Commerce and the Interior shall cochair the Coordination Council.

**Sec. 3. *Recreational Fishery Resources Conservation Plan.*** (a) Within 12 months of the date of this order, the Coordination Council, in cooperation with Federal agencies, States, and Tribes, and after consulting with the Federally chartered Sport Fishing and Boating Partnership Council, shall develop a comprehensive Recreational Fishery Resources Conservation Plan ("Conservation Plan").

(b) The Conservation Plan will set forth a 5-year agenda for Federal agencies identified by the Coordination Council. In so doing, the Conservation Plan will establish, to the extent permitted by law and where practicable; (1) measurable objectives to conserve and restore aquatic systems that support viable and healthy recreational fishery resources, (2) actions to be taken by the identified Federal agencies, (3) a method of ensuring the accountability of such Federal agencies, and (4) a comprehensive mechanism to evaluate achievements. The Conservation Plan will, to the extent practicable, be integrated with existing plans and programs, reduce duplication, and will include recommended actions for cooperation with States, Tribes, conservation groups, and the recreational fisheries community.

**Sec. 4. *Joint Policy for Administering the Endangered Species Act of 1973.*** All Federal agencies will aggressively work to identify and minimize conflicts between recreational fisheries and their respective responsibilities under the Endangered Species Act of 1973 ("ESA") (16 U.S.C. 1531 *et seq.*). Within 6 months of the date of this order, the Fish and Wildlife Service and the National Marine Fisheries Service will promote compatibility and reduce conflicts between the administration of the ESA and recreational fisheries by developing a joint agency policy that will; (1) ensure consistency in the administration of the ESA between and within the two agencies, (2) promote collaboration with other Federal, State, and Tribal fisheries managers, and (3) improve and increase efforts to inform nonfederal entities of the requirements of the ESA.

**Sec. 5. *Sport Fishing and Boating Partnership Council.*** To assist in the implementation of this order, the Secretary of the Interior shall expand the role of the Sport Fishing and Boating Partnership Council to: (a) monitor specific Federal activities affecting aquatic systems and the recreational fisheries they support;

(b) review and evaluate the relation of Federal policies and activities to the status and conditions of recreational fishery resources; and

(c) prepare an annual report of its activities, findings, and recommendations for submission to the Coordination Council.

**Sec. 6. *Judicial Review.*** This order is intended only to improve the internal management of the executive branch and it is not intended to create any right, benefit or trust responsibility, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers, or any other person.



THE WHITE HOUSE,  
June 7, 1995.

Moreover, in accordance with section 706(a)(1) of the Act, the Department will direct the Customs Service to assess, upon further advice by the Department following the completion of a review requested under 19 CFR 351.213(b) or 19 CFR 351.214(b) (or if a review is not requested, in accordance with 19 CFR 351.212(c)), countervailing duties equal to the amount of the net countervailable subsidies determined to exist for entries of wire rod from Brazil and Canada (except for subject merchandise from Canada both produced and exported by Ivaco, Inc. ("Ivaco") and Stelco, Inc. ("Stelco"), which both received a zero final rate).

Pursuant to section 706(a)(1) of the Act, if appropriate, based on the above-noted further advice from the Department, for all producers and exporters of wire rod from Brazil, countervailing duties will be assessed on all unliquidated entries of wire rod entered, or withdrawn from warehouse, for consumption on or after August 30, 2002, the date of publication of the Department's final determination with respect to wire rod from Brazil in the **Federal Register**, and on all subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of this countervailing duty order for Brazil in the **Federal Register**.

For all producers and exporters of wire rod from Canada (except for Ivaco and Stelco), countervailing duties will be assessed on all unliquidated entries of wire rod entered, or withdrawn from warehouse, for consumption on or after February 8, 2002, the date of publication of the Department's preliminary determination in this investigation in the **Federal Register**, and before June 8, 2002, the date the Department instructed Customs to discontinue the suspension of liquidation in accordance with section 703(d) of the Act (*see also*, The Statement of Administrative Action, H. Doc. No. 103-316, Vol. 1 at 874 (1994), reprinted in 1994 U.S.C.A.N. 3773, 4163), and on all subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of this countervailing duty order for Canada in the **Federal Register**.

This notice constitutes the countervailing duty orders with respect to wire rod from Brazil and Canada, pursuant to section 706(a) of the Act. Interested parties may contact the Central Records Unit, Room B-099 of the main Commerce Building, for copies of an updated list of countervailing duty orders currently in effect.

These countervailing duty orders are published in accordance with sections 706(a) and 777(i) of the Act and 19 CFR 351.211.

Dated: October 16, 2002.

**Joe Spectrini,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. 02-26859 Filed 10-21-02; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 101702A]

#### Proposed Information Collection; Comment Request; Large Pelagic Fishing Survey

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA).

**ACTION:** Notice.

**SUMMARY:** The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Pub. L. 104-13 (44 U.S.C. 3506(c)(2)(A)).

**DATES:** Written comments must be submitted on or before December 23, 2002.

**ADDRESSES:** Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at [dHynek@doc.gov](mailto:dHynek@doc.gov)).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Christopher Rogers, Chief, Highly Migratory Species Management Division (F/SF1), Office of Sustainable Fisheries, NMFS, 1315 East-West Highway, Silver Spring, MD 20910; (301) 713-2347.

#### SUPPLEMENTARY INFORMATION:

##### I. Abstract

The Large Pelagic Fishing Survey consists of dockside and telephone surveys of recreational anglers for large pelagic fish (tunas, sharks, and billfish) in the Atlantic Ocean. The survey provides NMFS with information to monitor catch of bluefin tuna and marlin. Catch monitoring in these fisheries and collection of catch and

effort statistics for all pelagic fish is required under the Atlantic Tunas Convention Act and the Magnuson-Stevens Fishery Conservation and Management Act. The information collected is essential for the U.S. to meet its reporting obligations to the International Commission for the Conservation of Atlantic Tuna.

## II. Method of Collection

Dockside and telephone interviews are used.

## III. Data

*OMB Number:* 0648-0380.

*Form Number:* None.

*Type of Review:* Regular submission.

*Affected Public:* Individuals or households, business or other for-profit organizations.

*Estimated Number of Respondents:* 21,500.

*Estimated Time Per Response:* 2 minutes to respond to a pre-survey screening phone call; 8 minutes for a telephone interview; 5 minutes for a dockside interview; 1.5 minutes to respond to a follow-up validation call for dockside interviews; 3 minutes for a response to socio-economic add-on interview questions; 5 minutes for a charter/headboat vessel captain background interview; 5 minutes for a biological sampling of catch; and 8 minutes for a headboat effort and catch survey.

*Estimated Total Annual Burden Hours:* 4,752.

*Estimated Total Annual Cost to Public:* \$0.

## IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: October 11, 2002.

**Gwellnar Banks,**

*Management Analyst, Office of the Chief  
Information Officer.*

[FR Doc. 02-26869 Filed 10-21-02; 8:45 am]

BILLING CODE 3510-22-P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Federal Consistency Appeal by Millennium Pipeline Company From an Objection by the New York Department of State

**AGENCY:** National Oceanic and  
Atmospheric Administration (NOAA),  
Department of Commerce (Commerce).

**ACTION:** Supplemental notice of public  
hearing.

**SUMMARY:** This notice provides  
additional scheduling information  
concerning a public hearing to be held  
by the National Oceanic and  
Atmospheric Administration in  
Tarrytown, New York. The hearing  
involves an administrative appeal filed  
with the Department of Commerce by  
the Millennium Pipeline Company  
(Consistency Appeal of Millennium  
Pipeline Company, L.P.).

**DATES:** The hearing is scheduled to  
begin at 10 a.m. on November 13, 2002.  
Speaker registration begins at 9 a.m. on  
the day of the hearing. Public comments  
on the appeal must be received by  
December 2, 2002.

**ADDRESSES:** The public hearing and  
speaker registration will be held at the  
Hilton Tarrytown Hotel, 455 South  
Broadway, Tarrytown, New York.  
Written comments may be submitted at  
the hearing. All e-mail comments on  
issues relevant to the Secretary's  
decision of this appeal may be  
submitted to

*Millennium.comments@noaa.gov*. Apart  
from the hearing, comments may also be  
sent by mail to the Office of the  
Assistant General Counsel for Ocean  
Services, National Oceanic and  
Atmospheric Administration, U.S.  
Department of Commerce, 1305 East-  
West Highway, Silver Spring, MD  
20910. Materials from the appeal record  
will be available at the Internet site  
*http://www.ogc.doc.gov/czma.htm* and  
at the Office of the Assistant General  
Counsel for Ocean Services.

**FOR FURTHER INFORMATION CONTACT:** Karl  
Gleaves, Assistant General Counsel for  
Ocean Services, via email at  
*gc.os.inquiries@noaa.gov*, or at 301-713-  
2967, extension 186.

**SUPPLEMENTARY INFORMATION:** The  
Millennium Pipeline Company filed an  
administrative appeal with the  
Department of Commerce, pursuant to  
the Coastal Zone Management Act of  
1972, as amended, asking that the  
Secretary of Commerce override the  
State of New York's objection to  
Millennium's proposed natural gas  
pipeline. The pipeline would extend  
from the Canadian border in Lake Erie  
and cross the Hudson River, affecting  
the natural resources or land and water  
uses of New York's coastal zone.

On September 9, 2002, NOAA  
published a notice in the **Federal  
Register** announcing that it would hold  
a public hearing concerning the appeal.  
See 67 FR 57220. The notice provided  
information about the date and location  
of the hearing and indicated additional  
details would be forthcoming. This  
notice provides additional scheduling  
information for the hearing.

The hearing will begin at 10 a.m. at  
the Hilton Tarrytown Hotel, and  
continue throughout the day with  
afternoon and evening sessions.  
Intermissions are expected near noon  
and in the late afternoon (approximately  
4:30 p.m.). In addition, a temporary  
recess may be scheduled for periods  
when all registered speakers have had  
an opportunity to testify. Speakers must  
register on the day of the hearing, on  
site, at the hotel. Registration of  
speakers will begin at 9 a.m. Each  
organization that registers should expect  
to receive a total of five minutes for its  
representatives to present oral  
comments. Individuals from the general  
public who register will receive  
approximately three minutes to speak.  
Speakers will be recognized in the order  
in which they register (a first-come-first-  
serve basis), alternating between  
individuals from the general public and  
those representing organizations. A  
specific period is also expected to be  
designated during the morning and  
afternoon sessions for remarks by  
elected officials.

Written comments may be submitted  
to NOAA at the hearing by any person  
in attendance. For submissions at the  
hearing, we request, but do not require,  
that you provide three copies for  
inclusion into the administrative record.  
Apart from the hearing, written  
comments may be submitted by e-mail  
to *millennium.comments@noaa.gov* or  
forwarded via mail to the Office of the  
Assistant General Counsel for Ocean  
Services. Comments must be received  
by December 2, 2002. Comments will be  
made available to the parties; they are  
also expected to be posted on the  
Department of Commerce website at  
*http://www.ogc.doc.gov/czma.htm*.

This hearing is being held to obtain  
information on issues the Secretary will  
likely consider in deciding  
Millennium's appeal. A summary of  
relevant issues as well as additional  
background on the appeal appears in the  
September 9, 2002, **Federal Register**  
announcement referenced above, a copy  
of which can be found on the Internet  
at *http://www.ogc.doc.gov/czma.htm*.

Questions concerning the hearing may  
be sent via email to  
*gc.os.inquiries@noaa.gov* or made by  
telephone to 301 713-2967, extension  
186.

[Federal Domestic Assistance Catalog No.  
11.419 Coastal Zone Management Program  
Assistance.]

Dated: October 16, 2002.

**James R. Walpole,**  
*General Counsel.*

[FR Doc. 02-26787 Filed 10-21-02; 8:45 am]

BILLING CODE 3510-08-M

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Draft Guidance for the Coastal and Estuarine Land Conservation

**AGENCY:** Office of Ocean and Coastal  
Resource Management, National Ocean  
Service, National Oceanic and  
Atmospheric Administration (NOAA).

**ACTION:** Notice of availability of draft  
guidance for the Coastal and Estuarine  
Land Conservation Program.

**SUMMARY:** Notice is hereby given of the  
availability of Draft Guidance for the  
Coastal and Estuarine Land  
Conservation Program (CELCP), created  
by the FY 2002 appropriations for the  
Departments of Commerce, Justice, and  
State. The Appropriations Act directed  
the Secretary of Commerce to establish  
a Coastal and Estuarine Land  
Conservation Program "for the purpose  
of protecting important coastal and  
estuarine areas that have significant  
conservation, recreation, ecological,  
historical, or aesthetic values, or that are  
threatened by conversion from their  
natural or recreational state to other  
uses," giving priority to lands which  
can be effectively managed and  
protected and which have significant  
ecological value. The law further  
directed the Secretary to issue  
guidelines for this program delineating  
the criteria for grant awards and to  
distribute funds in consultation with the  
States' Coastal Zone Managers' or  
Governors' designated representatives  
based on demonstrated need and ability  
to successfully leverage funds. Draft